[l]ex machina

Unlikely encounters of international law and technology

Valentin Jeutner

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Second and Revised Edition
with an Essay on Conceptual Legal Writing

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Map (UNTS: I-49095, volume 2791) annexed to the 2010 Treaty between the Russian Federation and the Kingdom of Norway concerning Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean.

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Map (UNTS: I-47548, volume 2675) annexed to the 2010 Treaty between the Republic of Trinidad and Tobago and Grenada on the Delimitation of Marine and Submarine Areas.

Manipulations

Sir David Maxwell Fyfe

I should like to
I do not know

I would like to
I do not think

I did not know
I have no further

I do not want
I do not remember

I want you to
I do not believe

I ask the tribunal
I beg your pardon

I am going to
I think it is

I have already said
I am asking you

I ask you to
I cannot tell you

I want to ask
I do not understand

I do not wish
I can only say

I did not have
I have no more

I have already stated
I know nothing about

I do not recall
I swear by God

---

corpus: Nuremberg files
method: 4-grams beginning with 'I', sorted by frequency / CasualConc
modifications: manually arranged, shortened; Sir David Maxwell Fyfe was one of the most common, general 4-grams

Men should

Men should agree on everything
Men should be able to carry out the executions
Men should be brought to trial

Men should be ordered below deck
Men should be put into factories as convicts
Men should be put upon their defense without further delay

Men should be stripped entirely naked
Men should be transferred from the concentration camp
Men should drill and not pray

Men should escape all penalty
Men should first of all be gathered
Men should have been dealt with summarily

Men should have been registered according to age groups
Men should have formed the staff guard in Höchst
Men should in consequence be forced to kill

Men should leave the church
Men should maintain connections with Party leaders
Men should not have their wounds dressed

Men should pray in church and not drill there
Men should proceed with all speed to Norway
Men should remain unrepentant

Men should serve as protection
Men should take preference over everything else

corpus: Nuremberg files
method: passages starting with "Men should", output sorted alphabetically / CasualConc
modifications: none

International law is

International law is high
International law is dynamic
International law is sparse
International law is minimal
International law is neither
International law is required
International law is concerned
International law is not clear
International law is developing
International law is not frozen
International law is the guardian
International law is out of place
International law is quite another
International law is indisputable
International law is not at issue
International law is really avoided

International law is being respected
International law is largely lacking
International law is of the essence
International law is one of legality
International law is not an advantage
International law is quite different
International law is so far-reaching
International law is truly impressive
International law is legally untenable
International law is indeed conversant
International law is not such a system
International law is of no significance
International law is set extremely high
International law is well established
International law is bound to preserve
International law is broadly supportive
International law is highly restrictive
International law is not well supported
International law is totally inadequate

International law is not normally stated
International law is better left as it is
International law is still grappling with
International law is the consensus omnium
International law is a general presumption
International law is not terribly refined
International law is not a distinct issue
International law is not at all insensitive
International law is to be applied flexibly
International law is binding on the Parties
International law is a matter of controversy
International law is not what it ought to be
International law is of paramount importance
International law is particularly sensitive
International law is a question of definition
International law is creative and innovative
International law is not strictly juridical
International law is not without significance
International law is to be taken into account

International law is not for us to determine
International law is not therefore authorized
International law is inoperative in this area
International law is one of the most delicate
International law is organized and implemented
International law is to be applied with equity
International law is widely obeyed on the whole
International law is really a hard and fast rule
International law is in the process of formation
International law is frequently made up of norms
International law is happily not in this position
International law is not so lacking in resources
International law is not evidence, let alone proof
International law is one of the sources identified
International law is a matter of international law
International law is not expressed in general terms
International law is based on social interdependence
International law is being more and more superseded
International law is liable to continual variations

International law is necessarily and tacitly assumed
International law is in our times widely acknowledged
International law is not a phenomenon external to law
International law is not relevant for the present case
International law is a "droit de la communauté humaine"
International law is tantamount to a metaphysical joke
International law is not a question of relative numbers
International law is the repetition of the same practice
International law is widely and authoritatively accepted
International law is an important task awaiting attention
International law is the first duty of civilized nations
International law is only one part of the applicable law
International law is bent on a course of self-destruction
International law is no longer exclusively State-oriented
International law is not necessarily exclusive in character
International law is to cramp the development of the latter
International law is deeply rooted in international practice
International law is still the subject of serious discussion
International law is now in too mature a state of development

International law is in this respect an under-developed system
International law is not confined to actual armed aggression
International law is not of an exclusively juridical character
International law is based on the municipal law of some country
International law is essentially based on the consent of States
International law is erected upon respect for cultural diversity
International law is not the proper place in which to seek rules
International law is binding upon all the States of the New World
International law is the generalization of the practice of States
International law is the essential function of judicial settlement
International law is no less resourceful than the law of geophysics
International law is particularly inimical to prolonged situations
International law is indifferent to the issue of the birth of States
International law is not relevant unless it leads to further damages
International law is grounded on some fundamental general principles
International law is the inheritor of a more than hundred-year heritage
International law is the will of the international community as a whole
International law is no longer indifferent to the fate of the population
International law is not static (as legal positivists wrongfully assume)

International law is obviously bound in principle to deal with companies
International law is suddenly deserving of an imprimatur of compliance
International law is the product of European imperialism and colonialism
International law is an extremely complex and even controversial subject
International law is safeguarded precisely by the operation of metanorms
International law is not solely within the domestic jurisdiction of Greece
International law is particularly concerned with the maintenance of peace
International law is not created by non-State entities acting on their own
International law is called upon to recognize institutions of municipal law
International law is not created by an accumulation of opinions and systems
International law is not just about avoiding prejudice to a respondent State
International law is clear and the jurisprudence based on the law is succinct
International law is based on the agreement of States, either express or tacit
International law is to grow and serve the cause of peace as it is meant to do
International law is no longer insensitive to patterns of systematic oppression
International law is not superior to the legal system governed by municipal law
International law is based on the specific factual background of the present case
International law is both novel and, if accepted, subversive of international law
International law is satisfied with varying degrees in the display of State authority

International law is highly innovative, going well beyond the understanding of custom
International law is not a lex ferenda, as is often believed; it has a real existence
International law is nothing but the law of the consent and auto-limitation of the State
International law is now, and will be for some time to come, a law in process of formation

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corpus: ICJ Decisions
method: passages starting with "International law is…", sorted by length / CasualConc
modifications: selectively shortened on both sides

Treaty Anatomy

[instrument qualifier, prefix] [instrument identifier] [instrument qualifier, suffix] [preposition] [article/s]

+ (some combination of)

[noun] [conjunction] [article/s] [noun] [article/s] [noun] [adverb] [verb] [noun]

[adjective] [noun] [conjunction] [adverb] [verb] [noun]

[noun] [preposition] [article/s] [noun] [conjunction] [noun] [preposition] [adjective] [noun] [conjunction] [preposition] [pronoun] [noun]

+

[$verb_2$] [city] [day] [month] [year]

[instrument qualifier, prefix]
additional, amended, annexed, approved, general, international, optional, provisional, revised, United Nations

[instrument identifier]
Act, Agreement, Agreements, Amendment, Amendments, Annex, Annexes, Charter, Constitution, Covenant, Declaration, Declarations, Memorandum, Protocol, Protocols, Regulation, Resolution, Statute

[instrument qualifier, suffix]
amending, extending, regulating, supplementing

[preposition]
against, at, between, by, concerning, during, for, from, in, including, into, of, on, per, regarding, relating, to, under, with, without

[article]
a, an, the

[noun]
abolition, acceptance, access, accident, accidents, accordance, acidification, acquisition, act, activities, acts, addition, adhesion, admission, adoption, advertising, Africa, agencies, agents, aggression, agriculture, aid, air, airbag, aircraft, alarm, America, ammunition, anchorage, anchorages, animal, animals, apartheid, applicability, application, approval, approvals, arbitration, archives, areas, arms, arrangement, arrest, arteries, Article, Articles, assemblies, assembly, assessment, assignment, assistance, association, audibility, authority, aviation, avoidance, awards

baggage, ban, bank, basis, bay, beam, behavior, belt, belts, benefits, bicycles, bills, biosafety, biotechnology, blinding, board, boats, bodies, body, bombings, booby, border, brake, bumpers, bureau

cab, campaign, capability, capacity, car, carbon, card, carnet, carnets, Carriage, cars, case, cases, categories, category, cause, cent, centre, cetaceans, change, character, charter, chemical, Chemicals, cheques, Child, children, circulation, clauses, cleaners, climate, cluster, coast, cocoa, coconut, code, Coffee, collision, collisions, combat, combinations, combustion, committee, commodities, communications, community, compatibility, compensation, components, compounds, compression, concern, conditions, conduct, conferences, conflict, conflicts, connection, consent, conservation, consignment, construction, consumption, container, containers, contents, context, continuation, contract, contracts, control, controls, conventions, cooperation, copper, copyright, corporation, correction, corruption, council, countries, court, cover, credit, crews, crime, crimes, cross, crossing, cultivation, currency, Customs, cycle, cycles

damage, daytime, death, debts, decision, Denmark, departure, desertification, destruction, detection, development, device, Devices, diesel, dimensions, diode, dioxide, direction, disabilities, disappearance, disaster, discrimination, discs, diseases, disposal, disputes, distribution, diversity, documents, door, draft, drive, driver, drivers, drought, drugs, drum, drums, duplication, duty

east, effect, effects, elimination, emergency, emission, emissions, end, energy, enforcement, engine, engineering, engines, environment, equipment, establishing, establishment, Europe, eutrophication, evaluation, event, exchange, execution, exhaust, exploitation, explosive, export, extension

facilitation, facilities, families, fauna, features, field, filament, finance, financing, Finland, fire, firearms, fish, fitting, fittings, flag, flora, fluxes, focus, fog, food, foodstuffs, foot, force, forestry, formalities, forms, fortification, four, fragments, framework, freedom, front, frontier, frontiers, fuel, fund

gas, gases, genocide, Germany, glazing, goods, government, governors, grains, ground, group, guarantees, halogen

hand, handlebars, harmonization, head, headlamp, Headlamps, headrests, Health, heating, helmets, highway, hostages, human, humanity, hydrogen, hygiene

identification, ignition, illumination, Immunities, impact, implementation, import, importance, importation, indicators, information, inspections, Installation, installations, institute, institutionalization, institutions, insurance, interior, investor, involvement, islands, isofix, issue, issues

jurisdiction, justice, jute

labour, lakes, Lamp, land, lane, laser, latches, law, laws, layer, letters, level, liability, light, lighting, lightships, limitation, limitations, limiting, liner, lines, lining, linings, load, location, lubricant, luggage

machinery, maintenance, making, management, manufacturing, marker, marking, markings, marriage, marriages, material, materials, matters, maximum, measurement, measures, measuring, meat, mechanism, mediation, meeting, members, membership, mercenaries, mercury, metals, method, middle, migrant, migrants, military, milk, mines, minimum, minutes, mirrors, missions, mitigation, modification, modifications, module, modules, monitoring, moon, moped, mopeds, mortgages, motor, mounting, movements, moving, munitions

nation, nationality, natural, navigation, net, network, neutralisation, nickel, nitrogen, noise, north, note, notes

objects, obligations, occupants, occupation, odometer, office, oil, olive, olives, operation, operations, operative, operators, opium, organisation, organisations, organization, organizations, origin, outline, owners, oxides, ozone

pallets, panel, paragraph, parking, part, participation, parties, partitioning, parts, party, passenger, passengers, peace, pedestrian, penalty, peoples, pepper, performance, performers, period, permits, personnel, persons, pesticides, petroleum, phonograms, plant, plate, plates, pleasure, plenipotentiary, pole, pollutant, Pollutants, pollution, pool, poppy, pornography, ports, position, positions, Power, practices, preparations, prescriptions, pressure, prevention, privileges, procedure, procedures, producers, production, products, programme, prohibition, prohibitions, projections, promissory, promotion, property, propulsion, prostitution, Protection, providing, provision, Provisions, publications, publicity, punishment

questions

rail, railway, railways, range, rays, rear, receivables, recognition, reconstruction, recoverability, recovery, recruitment, recyclability, redress, reduction, reference, refugee, refugees, regime, registers, registration, regulations, relations, release, relief, reminder, remnants, repair, repairing, replacement, representation, repression, requirements, research, resistance, resolutions, resources, respect, restraint, restraints, restrictions, retention, reusability, rice, right, Rights, risks, Road, roads, roadworthiness, royalties, rubber, rule, rules, run, running

safety, sale, samples, satellite, schedules, scope, sea, seabed, seas, seat, seats, sectors, set, settlement, shelf, ships, side, signals, signature, signs, simplification, size, slave, slavery, sound, sources, south, southeast, space, speed, speedometer, sports, spot, stability, stamp, stand, state, statelessness, states, stations, statistics, status, statutes, statutory, stocks, strength, structure, study, substances, success, succession, sugar, sulphur, superstructure, suppression, surfaces, Sweden, system, systems

table, taking, tales, tank, tariffs, taxation, tea, techniques, telecommunication, telecommunity, term, terminals, terms, territories, terrorism, terrorist, test, tether, text, timber, tin, title, tobacco, top, torque, torture, tourism, tourist, toxins, tractors, trade, Traffic, Trailers, train, training, trains, transfer, transit, transmission, transparency, Transport, traps, travel, treaties, treatment, treaty, triangles, tribunal, two, type, tyre, tyres

understanding, unification, Uniform, union, unit, united nations, university, until, Use, uses, using, utilization

vaccine, validity, vehicle, Vehicles, vessels, view, vision, visors

wagons, war, warning, wastes, water, watercourses, waters, waterway, waterways, weapons, weights, west, wheat, wheel, wheels, white, wholesale, women, work, workers, works, world

zone

[conjunction]
and, as, only, or, than, that, when, whether

[adverb]
abroad, especially, excessively, forward, further, highly, internationally, least, most, not, outside, particularly, partly, prior, where, wholly

[verb]
abating, advancing, aiming, amending, arising, assisting
being, braking, bringing, broadcasting

calling, can, carrying, causing, contracting, cornering, counterfeiting, coupling

deeming, depleting, depositing, developing, directing, discharging, displacing, driving

effecting, eliminating, emitting, employing, equipping, establishing, experiencing, extending

facilitating, favouring, fishing, fuelling

having

illuminating, impacting, including, injuring

launching, leading, liquifying, living

manoeuvring, manufacturing

operating, organizing

powering, preparing, presenting, preventing, protecting, punishing

recognising, recognizing, reflecting, regarding, regulating, relating, repelling, restraining, resulting, retreating, retrofitting, reversing, rolling, rollover

seating, sharing, signalling, silencing, smoking, smuggling, sparing, steering, stockpiling, stopping, straddling, supplying, suppressing

telling, thinking, touring, trafficking, transmitting, treating

underrunning

[adjective]
adaptive, adjustable, adopted, advanced, African, agricultural, any, Arab, arbitral, armed, Asian, associated, asymmetrical, Atlantic, audible, auditory

Baltic, biological, blind, burning

Caribbean, celestial, central, certain, civil, close, combined, commercial, common, comprehensive, compressed, compulsory, consular, contagious, contained, contiguous, continental, conventional, criminal, cruel, cultural

dangerous, degrading, diplomatic, double, driven, dry, dual

economic, educational, electric, electromagnetic, electronic, enforced, engaged, enhanced, entitled, environmental, equitable, European, extended, external

fair, fifth, final, fitted, foreign, fourth, fresh, frontal, full

gaseous, general, genetic, global, governing, granted

harmonized, hazardous, heavy, high, hostile, hybrid

illegal, illicit, important, incandescent, incorporated, independent, indigenous, indirect, indiscriminate, industrial, informed, inhuman, injurious, inland, installed, intellectual, intended, intergovernmental, internal, International, Irish

jurisdictional,

landlocked, large, lateral, Latin, liquefied, locked, long

main, manned, maritime, married, mechanical, meteorological, microbial, migratory, missing, mobile, modified, monetary, multilateral, multimodal narcotic, navigable, navigational, ninth, nuclear

obscene, occupied, opened, organic, original, outer

pacific, paperless, passing, periodical, permitted, persistent, pneumatic, political, positive, postal, primary, private, protected, protective, psychotropic, public, pure

quiet

racial, reciprocal, reconvened, reduced, reflective, regional, relative, retro, retroreflective

scientific, sealed, second, serious, similar, single, sixth, slow, small, social, some, special, specialized, specific, stateless, strategic, substantive, supplementary, symmetrical

taken, technical, temporary, territorial, third, transboundary, transnational, tropical

unauthorized, undetectable, universal, used

visible, visual, volatile

western, wet, wheeled, whole, wild

[pronoun]
all, both, other, others, such, their, these, this, those, which, who

[verb$_2$]
concluded, done, signed

[day]
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31

[month]
January, February, March, April, May, June, July, August, September, October, November, December

[year]
1904, 1910, 1912, 1921, 1923, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1933, 1935, 1936, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019

[place]
Aaland, Aarhus, Abidjan, Accra, Almaty, Annecy, Bangkok, Barcelona, Basel, Beijing, Beirut, Berlin, Brussels, Cairo, Cartagena, Cavtat, Colombo, Copenhagen, Damascus, Doha, Dublin, Esbjerg, Escazú, Espoo, Geneva, Gothenburg, Hamburg, Havana, Helsinki, Islamabad, Italy, Jakarta, Jeju, Kampala, Khartoum, Kiev, Kigali, Kingston, Kinshasa, Kuala Lumpur, Kumamoto, Kyoto, Lake Success, Lisbon, London, Lusaka, Madrid, Manila, Minamata, Minneapolis, Montego Bay, Montreal, Nagoya, Nairobi, New Delhi, New York, Oslo, Paris, Rio de Janeiro, Rome, Rotterdam, San Francisco, Seoul, Sofia, Stockholm, Tampere, The Hague, Trieste, Vienna, Washington

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corpus: Multilateral Treaties
method: split treaty-titles into words, then into columns, syntax identified, sorted by category / Google, Browserling, SketchEngine
modifications: none

In conversation: EJILTalk! and OpinioJuris

EJILTalk!

We would do well to recognize this to avoid the problematic treaty interpretation.

We did flag this up in the penultimate and antepenultimate paragraphs of the post.

We completely agree that this is an important concern in empirical legal studies.

We introduce an occasional series dedicated to Critical Reviews of Jurisprudence.

We will be featuring several posts critically examining the UNCITRAL ISDS reform.

We can certainly expect a wave of domestic legislation which may go even further.

We all depend on most of our 'knowledge' outside our area of immediate expertise.

We have entered an era of international law in which international law subserves.

We would find significant differences between all groups of students and experts.

We read a book cover to cover (Jan Klabbers providing a praiseworthy exception).

We thank Alison MacDonald for her illuminating and extremely useful perspective.

OpinioJuris

We do?

We were.

We breed.

We enjoy.

We favour.

We can do.

We thought.

We operate.

We are familiar.

We call a State.

We can all imagine the economic considerations underpinning that particular MoU.

We have already witnessed the death of expertise…well then, what are we to do?

We should be careful not to opt for a cause and effect notion of jurisdiction.

We would dispute, first of all, that the Court is barred from giving an opinion.

We as a species undoubtedly have the tendency to believe what we want to hear.

We reproduce a number of his points below and respond to each of them in turn.

We assume (and you seem to assume to know about all the individuals concerned).

We would be delighted to receive feedback at legaltoolsproject@lcil.cam.ac.uk.

We also established together the Academy of European Law – now in its 3rd year.

We expect extensive commentary on this landmark decision from several quarters.

We think about the remarkable extent to which such activities are carried out.

We shall be hosting a discussion of Professor David Kretzmer's latest article.

We could better hold the United States legally accountable for its decisions.

We were delighted.

We are doing that.

We do, concretely?

We are looking at.

We know he's a man.

We always see that.

We are not related!

We saw in the region.

We did not get there.

We call a corporation.

We will see the phrase.

We have no alternative.

We only talk about X.

We are indestructible.

We can consider that the US objection is not very consistent (nor persistent).

We are dealing with a rare and fleeting opportunity against high value target.

We considered an evolving and growing research question in international law.

We are considering a workshop in Madrid in early July to discuss the drafts.

We have every of reason to think that there are many such deaths outside war.

We should also consider that the Court itself is unsatisfying for that purpose.

We must attempt to understand the political economy of debt, money, finance.

We might call this the study of 'international organizations law at large'.

We also conclude our symposium on International Law and the First World War.

We are determined that all our actions will uphold UK and international law.

We can dispute, how far from the truth Oscar Schachter was when he wrote.

We proposed a two-step approach to effectiveness in our outline standards.

We are all Legal Realists (as famously proclaimed by Michael Steven Green).

We might dub this a theory of historic title to an integrated ocean space.

WE BECOMING….PIRATES?

We are deeply concerned.

We want it alongside us.

We all want to go there.

We are seeing at present.

We are a step further now.

We elect real progressives.

We need to rewind the clock.

We do not want to talk about.

We argue in our communication.

We really look for authority.

We can speak further via email.

We encourage legal submissions.

We draw about the legal possibilities to protect shipping through Hormuz?

We are bound to accept that there exists something fundamentally changing.

We have also seen China (see here) and the Russian Federation (see here).

We must broaden the "status and voice" (in Hovell's words) of all peoples.

We are delighted to announce three new Contributing Editors to the blog.

We look forward to their contributions over the coming months and years.

We fully expect the Court will speedily decide on provisional measures.

We have a clear theory of what the proper limits of interpretation are.

We should be, at least, united in depicting criteria for these methods.

We can certainly ask whether any third-state responsibility is engaged.

We can conclude from all of this that no final judgment should be made.

We would expect in its constitutive document, the Schuman Declaration.

We also agree that head of state immunity is not diplomatic immunity.

We need to unpack the argument.

We are awaiting further details.

We consider it as a deportation?

We're here almost like in a jail.

We see a lot more cases like this.

We should not treat them as such.

We believe there are better ways.

We have trade or investment lawyers.

We need to explore these questions?

We are once again witnessing a clash.

We look at alliances of armed groups.

We use the overall control test.

We look forward to the conversation.

We are facing the same menace again.

We will be hosting a discussion on Daragh Murray's new book with Hart.

We are in area of criminal law, Leo.

We have a list of 'kill or capture' targets, including nexus targets.

We also workshop early stage projects.

We will also be joined by Dr Alexandra Bohm, University of Sheffield.

We cannot open this to 'participation'.

We will be able to accept bookings up to the date of the conference.

We only give certain collectives power.

We have been advocating for the adoption of standards for four years.

We must again confront our key question.

We should believe in advocacy groups and the international community.

We'll never have to come back here again.

We provide data about ourselves online or simply use online services.

We can only know what Facebook lets us know.

We could even say that the principle of legal certainty was breached.

We want to know the authority for something.

We take for granted statements about 'novel types of armed conflict'.

We choose to model violence on retribution.

We should all be properly informed of how community views translate.

We've debated ad nauseum on these two sites.

We have an article by Anne-Sophie Tabau and Sandrine Maljean-Dubois.

We must acknowledge they have not succeeded.

We should and could neatly separate questions of law and economics.

We need a more articulated and complex vision.

We select articles on discrete classical areas of International Law.

We have a proxy group bound by the law of IAC.

We should focus on the essential question: what is the rule of law?

We do mention the excellent Black Earth Rising.
We feature a response post from Academic Forum Member Susan Franck.
We know from good old Shaw's International Law.
We have a case in which the judgment is basically already written.
We were heading, even if we did not get there.
We may also need to bring a degree of modesty to our expectations.
We should all look forward to its publication.
We should consider whether detention has been the general practice.
We want a Catholic Poland, not a Bolshevik one.
We then aim at reform of our capitalist economy (which we should).
We need a sharper focus on oversight mechanisms.
We might be witnessing here the rise of legitimized self-defense.
We hear 'it's not about pesos, it's about years'.
We have a few points to make in response to your latest comment.
We were to adopt the competing restrictive view.
We explicitly addressed this concern in our limitations section.
We saw in Tajoura, direct casualties of the war.
We should also be wary when such 'dialogue' is not among equals.
We have seen examples of this in Italy and Malta.
We agree – Article 98 could perhaps have been more clearly written.
We should rethink this enthusiasm for adjudication.
We first ask why arbitrators might adapt to the prevailing mood.
We all know what napalm did during the Vietnam War.
We make a distinction in practice between both classifications?
We could acknowledge the futility of that approach.
We invite abstract proposals from all disciplinary perspectives.
We accept that 'active' participation in hostilities.

We will be dealing with this resolution for many years to come.
We must consider accountability for non-state actors.
We will be continuing the discussion here over the coming days.
We may see an advisory opinion requested out of desire.
We will bring people closer to what is European decision-making.
We are left in the dark as to what happens in between.
We begin by addressing the concerns regarding external validity.
We will probably never know why they still elected him.
We have allowed a far longer piece than is our usual practice.
We still see that IHL does not adequately apply to NIAC.
We made clear in our first post that this is not our argument.
We should never restrict the interpretation too tightly.
We may detain anyone if there is a military necessity to do so.
We argue here that this is not a new or different crisis.
We are directly back at the infamous Bush memo of February.
We will never know (but she is deep in the third season).
We are able – at least in a continental or mixed legal system.
We expect that Pakistan lives up to its public commitment.
We thank all of those who have contributed to this symposium.
We might just as well call it, being unwilling or unable.
We need an organization that will provide peace and security.
We can or cannot do as members of a socio-political space.
We have Australia, Brazil, Korea and the Dominican Republic.
We live in this hyper-functionalized and fragmented world.
We find a much messier, more complex and contingent picture.
We have the established legal categories of NIACs and IACs.
We look at the situation in terms of who has to win from it.

We can learn from this outlying example of state practice.
We roam around the world, we aim for images which charge us.
We adhere to the standard UN grades, salaries and benefits.
We should distinguish Kosovo from say the Donbas or Crimea.
We watch these legal proceedings unfold at the world court.
We stop and reflect on what it means that an MoU 'works'.
We now have to wait for the results of these deliberations.
We would be remiss not to make it part of this symposium.
We do need the notion of internationalized armed conflicts.
We need, but unfortunately for the time being, we lack it.
We are grateful to Opinio Juris for hosting this symposium.
We can definitely say that it has not been transformative.
We now have to wait for the results of these deliberations.
We found correlations over more broadly-defined periods.
We would be witnessing a strategic use of advisory opinions.
We may draw some more general and tentative conclusions.
We don't have to find out whether the Court agrees with us.
We are facing a genocide when certain acts are committed.
We watched the inauguration of Barack Obama on the CNN feed.
We merely focus on controlling local action at our level.
We aim at publishing 5 to 6 selected papers in a special issue.
We might ask whether it ought to be more widely applied.
We should be going, but they do not constrain us completely.
We must be alarmed at such things as the FRONTEX scheme.
We submitted a communication to the Office of the Prosecutor.
We have been fortunate to assemble strong contributions.
We must build on the years of progress since the Rome Statute.

We share a moment of dignity with a shoemaker at work.

We rely on logic through rules of logic like ejusdem generis.

We have argued in detail elsewhere (see here and here).

We will return to a number of them over the next week or two.

We would be quite severe as to the tone of EJIL: Talk!

We weren't really discussing the Polish government's actions.

We can discover interesting patterns we did not expect.

We were eating lunch in the officer's mess hall at Guantanamo.

We rightly abhor any notion of collective punishment.

We have seen, that is not the ICTY Appeals Chamber's position.

We look closely at specific instances of IO expansion.

We don't want the ICC above us because it can't help us there.

We therefore felt compelled to offer them assistance.

We take into account case law (e.g. ICTY, ICJ) dealing with it.

We acknowledge your existence (in international law).

We lifted a lot of this out of law after the financial crisis.

We can actually see a copy of a CIA agent's passport.

We will have to wait and see whether the Appeals Chamber agrees.

We look at the demographic situation of Europe today.

We can tie those feelings to the regimes of knowledge and power.

We say cosmetic, rather than substantive differences.

We could respond to that with force… But what else could we do?

We are familiar with the Kenyan system of delaying justice.

We want to know whether a group is a party to an armed conflict.

We are checking the genuineness of the proceedings.

We really want to internationalize NIACs involving armed groups.

We allow cutting and dividing human rights treaties.

We believe that such terminology seeks to serve three purposes.
We will destroy it in its entirety in a few hours.
We know of TGG's legal argument comes from their press release.
We must first decide which body of law should rule.
We can agree that recognition of belligerency is in disuse.
We agree, and in fact we do not make such a claim.
We are relaunching the weekly Events and Announcements postings.
We must assess the current circumstance of Europe.
We are particularly looking for creative approaches and research.
We must bear in mind that ICCPR has state parties.
We have a precedent here, namely the US intervention in Panama.
We have decided to post the unedited drafts online.
We could think about these collectives and which ones we favour.
We are able to see the true nature of the problem.
We (and courts) need to rely on in order to identify a CIL norm.
We have already published one symposium this year.
We should resist the temptation to internationalize the conflict.
We would also point again to national legislation.
We have elected in democracies to protect the freedoms we enjoy.
We all argue like this, no discussion is possible.
We advocates were so uniquely qualified to achieve these results.
We often assign responsibility to collectivities.
We have faced obstacles that have made justice almost impossible.
We celebrate EJIL's birthday with a Retrospective.
We speak, still adapting to the changing reality of Latin America.
We've already extensively discussed on the blog.
We have seen, this question was answered in a restrictive manner.

We distinguish between Solange II and Solange I.
We read the Andean Pact statement in the context of Latin history.
We go beyond what the legislator really intended.
We must consider the differential impacts of privacy infringements.
We blame British and Spanish Governments for it?
We assume this is going to happen in relation to those other questions.
We would disagree, therefore, with the assertion.
We cast an analytical eye on who can commit the crime of genocide.
We now expand our view to the whole of Article 31.
We welcome general submissions related to public international law.
We will achieve a reorganization of our economy.
We will interview one or two occasionally as the podcast continues.
We must attempt to stay clear of two mistakes.
We will not know precisely what the majority thinks the standard is.
We can decide upon the beginning of human life.
We are pleased to issue this call for submissions for new scenarios.
We, for example, can bomb and partition Serbia.
We welcome general submissions related to public international law.
We have come from the South West Africa cases.
We saw CETA enter into force despite a huge mobilisation in Europe.
We look forward to their contributions.
We translate that into the authority of specific lines of thinking.
We can add this podcast to our feed readers.
We should not imagine that genocide can only be committed by states.
We do follow the judge in all circumstances.
We may never know precisely what happened that night in Abbottabad.
We offer a brief account of several issues.

We should take a step back into the world before law became anointed.
We understand and assess the jus ad bellum.
We do see political economists talking and thinking quite explicitly.
We fully deny the basic principle of the UN.
We can now fairly predict several reactions, all harmful to the ICC.
We see a move to try to rebalance Article 31.
We all recognize that, whatever the merits of these views prior to 1945.
We can agree that I accomplish these goals.
We need to rewind the clock to the last days of the British mandate.
We have an article by Santiago Villalpando.
We need well-trained investigators, lawyers and civil society actors.
We should believe in diplomatic protection.
We actually see NATO policing refugee movements in the Mediterranean.
We, the editors, played a more active role.
We have raised again the question of whether science is good for man.
We should be dubious of these proposals.
We throw in the towel and give up on human rights? I don't believe so.
We have been asked to assume attribution.
We, the people who populate the spaces and places of international law.
We could find similarities between them.
We create these closed worlds – to borrow the systems theory language.
We have a problem at the European level.
We are no more in the colonial era but Sir, I lived it to be a witness.
We can assign any meaning to the words.
We do know thanks to the tireless efforts of the IIFFM and various NGOs.
We receive far more than we can publish.
We don't need to look far to see how Facebook has been used to oppress.

We need a World Court of Human Rights?

We are a little bit authoritarian in that we really look for authority.

We have a common language with Germany.

We do not even use the same set of tools to interpret international law.

We are a long way from a unity of law.

We interpret social facts, and these facts may be verbal or non-verbal.

We all continue to work on the project.

We caution against simply calling a document a Memorandum of Understanding.

We owe duties based on their humanity.

We will aim to update authors on submission progress in a timely manner.

We are able to understand this today.

We untangle the complexities of multi-party internationalized conflicts?

We may anachronistically call it this.

We didn't have the full cooperation of the previous government, certainly.

We all experience from time to time.

We are dealing with technical questions about expropriation or subsidies.

We should always keep an open mind.

We do not guarantee any State against punishment if it misconducts itself.

We study and insert life into them.

We are happy to co-host a book symposium on Tilman Rodenhäuser's new book.

We still do not solve the problem.

We accomplish by observing and publicizing the violations of domestic law.

We are actually on the same page.

We could rethink how collectives can take part in the integration process.

We aim for images which charge us.

We are interested in particular in critical approaches to international law.

We have come to like and value.

We have come close to the line.

We should credit him for that.

We (i.e. continental lawyers).

We are all in this together.

We chose a different tack.

We have a different story.

We can agree on one thing.

We have agreed to protect.

We agree, and so we write.

We must face the dilemma.

We have a good record.

We have a disagreement.

We think about law.

We are delighted Opinio Juris is hosting a symposium on this fora this week.

We recently found that some victims in rural areas were more inclined to go.

We were asked to give the Commission our reply before 10 o'clock this morning.

We need to take interpretative methods more seriously in international law.

We have to examine the group in light of the body of law we are looking at.

We will try to cross-link, but keep an eye on both websites to follow along.

We are already seeing the consequences of politically motivated interference.

We are getting to discretionary, almost dictatorial styles of decision-making.

We must remember that the recognition of Palestine in 2012 was not of a new state.

We should not take this existence (nor the meaning of this norm) for granted.

We also need to be very careful not to throw the baby out with the bath water.

We think about trade or we think about investment as something quite different.

We should recall that in May, the ICJ issued an order for provisional measures.

We have the honor to hear from this list of renowned scholars and practitioners.

We coded as binding.

We look at Ramstein.

We can and should.

We know about him.

We're all waiting.

We wrote a piece.

We know and love.

We're back.

We're done.

We need to be clear, however, on what mHRDD legislation is intended to achieve.

We really are getting to something properly troubling, legally and politically.

We could not reject the November 29th resolution outright as a 'base de travail'.

We generally cannot predict events, actions or inventions that do not yet exist.

We consider that the permission to intern enemy prisoners of war is conditioned.

We also hope to receive contributions from authors with a variety of backgrounds.

We get to see these big megaregionals two weeks before they are due to be signed.

We see how other collectives – in this case unions – are not able to participate.

---

corpus: EJILTalk! and OpinioJuris
method: passages starting with "we", sorted by (reverse) length, merged and added line-breaks / CasualConc, Browserling, Gillmeister-Software
modifications: selectively shortened on both sides, punctuation added

Once

once a blunder and a crime
once a certain gain of time

once by space, for all that matters
once for all acquired letters

once before the City of Granada
once destructed the armada

once both prudent and enlightened
once cut short, it can be heightened

once effected should continue
once established, then to please you

once existed on the earth
once in the seven years since birth

once for peace, or to a point
once, he is for having joined

once, from one camp to the next
once introduced, the purest text

once, if this fault is committed
once occupied can be admitted

once inform the other Power
once in the darkest of the hour

once it is lowered, by those weavers
once spirited up by the believers

once suspected by Ordonius the King
once on the game, this is the thing

once under Roman Jurisdiction
once allowing this old friction

---

corpus: Historic Textbooks
method: searched for 6-syllable passages including "once" / CasualConc
modifications: arranged so that they rhymed, selectively replaced words with their synonyms (with MS Word) to enhance readability

Once again

once a blunder and a crime
once a certain gain of time

once both prudent and enlightened
a surprise is always heightened

once by space, for all that matters
to those to whom you shew my letters

once established, then to them
it is not lawful to condemn

once existed on the earth
at the moment of his birth

once for peace, or to a point
to defend itself against the joint

once, if this fault is committed
yet in Oaths no thing is admitted

once inform the other Power
both of which were of the flower

once in the Seven Years of War
all his servants, except three or four

once it is lowered, by those weavers
foundational documents that united believers

once let the Romans become Masters
Statutes anticipate such disasters

once occupied, can be abandoned
so when the people's consent was demanded

once on the game, this is a matter
he got the infection by a letter

once spirited up to Rage and Fury
the case laid down in his charge to the jury

once under Roman Jurisdiction
recourse for that end to any fiction

---

corpus: Historic Textbooks
method: searched for 6-syllable passages including "once" in the first line, identified rhyme for last word of first line, then searched for corresponding rhyme word in same corpus and extracted first meaningful 6-syllable combination / CasualConc, Rhymezone.com
modifications: selectively whitened, shortened

The Queen (mostly according to Pufendorf)

The Queen afterwards had another Bastard begotten by another person. This so exasperated the Queen against her Husband, that he soon after, as was suppos'd, was in the Night time murthered by George Bothwell, who was afterwards married to the Queen. The Queen also refused to answer to their Commission, but appealed to the Pope in person; besides, Charles V. and his Brother Ferdinand had protested against this Commission. But however it be, there was an Insurrection made against the Queen, and Bothwell, whom she had married, was forced to fly the Land (who died, in Denmark some Years after in a miserable condition) and she being made a Prisoner, made her escape in the Year 1568. That this Murther was committed by the instigation of the Queen, and George Buchanan, a Creature [sic] of the Earl's, does boldly affirm the same in his Writings. The King being thus 'led away' [ruled] by the Queen and his Favourites, her first design was to revenge her self upon the Duke of Gloucester, whom she accused of Male Administration, and after she had got him committed to Prison, caused him privately to be murther'd. And the Estates did Surrender to the Queen, as a Security for the Charges she was to be at, the Cities of Flushing, Briel and Rammakens, or Seeburgh upon Walchorn, which were afterwards \A. 1616\ restored to the Estates for the Summ of One Million of Crowns.

He being thus animated, with the assistance of some Gentlemen, pull'd David Ritz out of the Room where he was then waiting upon the Queen at Table, and kill'd him immediately. Since there is nothing uglier than this Death, we must believe that the Poet spoke so in Relation to the Majesty of the Queen.

Thus France declined to receive the Duke of Buckingham as Ambassador Extraordinary from Charles I. of England, because on a previous visit to the French Court he had posed as an ardent lover of the Queen. Yet there are some, who say, That the Calumnies as well concerning David Ritz, as also concerning the death of Henry Darley, were raised against the Queen by the

Artifices of the Earl of Murray, thereby to defame and dethrone her. Which Plot having been long carried on privately, did break out at last \A. 1586\, and some Letters of her own hand writing having been produced among other matters, a Commission was granted [set up] to try the Queen; by vertue of which she received Sentence of Death; which being confirm'd by the Parliament, great application was made to the Queen for Execution, which Queen Elizabeth would not grant for a great while, especially, because her [Mary's] Son James and France did make great intercessions in her behalf.

There she enter'd into a Conspiracy against the Queen Elizabeth, with the Duke of Norfolk, whom she promised to marry, hoping thereby to obtain the Crown of England. The Matter being examined, the King's Natural Son, Ramirus, profered to justifie the Innocency of the Queen in a Duel with Garsias, and the King being uncertain what to do, a Priest did at last enforce the Confession of the Calumny cast upon the Queen from Garsias; whereupon Garsias being declared incapable of succeeding his Father in Castile, which did belong to him by his Mother's side, and Ramirus obtained the Succession in the Kingdom of Arragon as a recompence of his Fidelity.

The Queen gave him no positive Answer when he asked leave to retire, which displeased some great Men, who were afraid that she would keep him in her Council: He perceived their Discontent, and was so pressing to obtain his Dismission, that it was granted him at last.

And after his return, the Queen giving him a severe Reprimand, and ordering him to be kept a Prisoner, he was so exasperated at it, that tho' he was reconcil'd to the Queen, he endeavoured to raise an Insurrection in London, which cost him his Head.

There are some, who make no question of it, but that this Villain was set on to commit this fact [deed], and that it was not done without the knowledge of the Spaniards and the Queen herself. The King commended by Jarchas was named Ganges, whose Ally is said to have carried his infidelity so far, as to seize the Person of the Queen his Spouse.

Louis XIV. was in the heart of the Netherlands before it was known in Spain that he laid claim to the sovereignty of a part of those rich provinces in right of the queen his wife. To these

associated themselves some Desperado's, who, after Pope Pius V. had excommunicated the Queen [in 1570], were frequently conspiring against her Life. In the mean time died the Queen Isabella \A. 1504\, which occasion'd some Differences betwixt Ferdinand and his Son-in-law Philip the Netherlander, Ferdinand pretending, according to the last Will of Isabella, to take upon him the Administration of Castile. The queen, justly offended at Philip's refusal, put a guard on the embassador. Tho' their number increased daily, yet the Queen kept them pretty well under.

The queen of Egypt amused them for some time at her court, using in the mean while every possible exertion to join Pharos to the main land by means of moles: after which she laughed at the Rhodians, and sent them a message intimating that it was very unreasonable in them to pretend to levy on the main land a tribute which they had no title to demand except from the islands. A general desire was expressed that the Queen of Holland would extend her hospitality to the next Conference. In 1865 the Government of Great Britain concluded a treaty with the Queen of Madagascar whereby British subjects were to receive the most favored nation treatment in regard to commerce, and the import and export duties were not to exceed ten per cent.

The Queen of Scots married Bothwell, who murthered her Husband. The Queen preferred the Danes and other Strangers much before them, and what Taxes she levied in Sweedland, were for the most part spent in Denmark, where she generally resided. But the Queen, pretending that the Spencers had diverted the King's Love from her, retir'd first into France, and from thence into Hainault, and returning with an Army, took the King Prisoner, and caused the Spencers to be executed. Then the Queen recall'd the Cardinal, who having strengthen'd the King's Army by such Troops as he had got together, fought several times very briskly with the Prince of Conde. The Queen recalls him. But the queen returned him for answer, that it was "the duty of an embassador to wink at every thing which did not directly offend the dignity of his sovereign. The Queen sent Robert Dudley, Earl of Leicester, as General into Holland; who being arrived there \A. 1586\, was made by the Estates their Governour-General, and that with a greater Power than was acceptable to the Queen; but he did no great Feats. Wherefore the Queen sent thither the Earl of Essex,

who did nothing [161] worth mentioning. Which was the reason that the Queen siding with John Duke of Burgundy, did promote him to the place of chief Minister of France; who was more intent to maintain his private Interest and Greatness, against the Dauphin, than to make Head against the English. But her Love to him grew quickly cold; for a certain Italian Musician, whose name was David Ritz [143] was so much in favour with the Queen, that a great many persuaded Henry, that she kept unlawfull company with him. Which so incensed the Queen, that she having conceiv'd an implacable Hatred against her Son, sided with the Duke of Burgundy, whose Party was thereby greatly strengthen'd. The Army was marching towards the Netherlands, and the King ready to follow in a few days, having caused the Queen to be Crowned, and constituted her Regent during his absence; When the King going along the Street in Paris in his Coach, which was fain to stop by reason of the great Croud of the People, He is Assassinated by Ravillac. At last the Queen, who had hitherto had a share in the Government, added Fuel to the Fire: For the Constable d' Armagnac having now the sole Administration of Affairs, and being only balanc'd by the Authority of the Queen, took an opportunity, by the 'free Conversation' [overly loose living] of the Queen, to put such a Jealousie in the King's Head, that with the Consent of Charles the Dauphin she was banish'd [from] the Court. For the generality of the Nation abominated the fact, and the Queen took from hence an Opportunity totally to ruin her Son, and to exclude him from the Succession. The Queen, upon his Departure, gave him several Marks of her great Esteem for him. Which Marriage, under pretence of too near a Consanguinity and Adultery committed by the Queen, was afterwards dissolved again. Yet because the Queen was as yet in Sweden, the fury of the Danes was for a while appeased by the intercession of the Lubeckers and the Cardinal Raimow, who having procured Liberty for her to return into Denmark, she was conducted by the Regent to the Frontiers of Smaland. This and some other matters laid to their charge, was the reason why, some Years after, the Queen was condemned to a perpetual Imprisonment, and Mortimer was hanged. That Prince being informed, that the Queen was marching toward him, sent an Embassy with this Accusation. The War being thus ended to the great Honour of the Swedes, the Queen, who had already then taken a resolution of surrendring the Crown to her Nephew

Charles Gustave, would willingly have put an end to the Differences betwixt Sweden and Poland, which were likely to revive again after the Truce expired, but the Poles were so haughty in their Behaviour, and refractory in their Transactions that no Peace could be concluded at that time. But Matters did not remain long in this condition, for the Queen, who was fled into Scotland, marched with a great Army against the Duke of York, who was kill'd in the Battel, and all the Prisoners were executed.

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corpus: Historic Textbooks
method: searched for passages including "the Queen", extracted whole sentences, sorted alphabetically by word following "The Queen" / CasualConc
modifications: none

To die

It is sometimes for the advantage of them that die, to die
to die a natural death
to die a violent death
to die about that time (1377)
He happened to die at a Feast
Before that day
Before he had accomplished
Before he had fully performed
Before he had been able to procure him his liberty

---

corpus: Historic Textbooks
method: searched for passages including "to die", sorted alphabetically by first word following "to die" / CasualConc
modifications: arranged, selectively shortened and whitened

We went

We went to the toilet located on the camp grounds and then we went to the International Custom Control and then we went into the Street and then they put us into the closed police car and then we went out from the car and then we went to his office immediately and then we went the longest way to avoid the rough sea as it was blowing strong and then we went and measured the sea from the coast of Qatar and then we went outside and we hid to some safer place, that is into my shed and then we went to the toilet and then we went home as late as 10 pm and then we went to a lady's house and then we went to sleep and then we went along the road via Bruvno and then we went to the Island of Providencia and then we went on the motorboat to observe the reefs and then we went up to the lighthouse and met the lighthouse keepers and then we went off to the Sinai Campaign and then we went towards the western end of the lagoon and then we went by boat to the new town of San Juan del Norte in order to visit the museum and then we went with the topographers to the eastern edge of the lagoon and then we went back to the hotel and then we went back to the airport at 3pm and then we went to get water from a natural spring near the house and then we went to see the nurse and then we went fishing and then we went to the primary forest to hunt and then we went to the Kichwa community and then we went to see the doctor in Lago Agrio and then we went to work in farms that were farther away from the border and then we went out to play or fish for fear of the planes and then we went to our neighbours and then we went to Puerto Nuevo and then we went over the fields towards the river Vuka and then we went there so that I could show him where the rifle was and then we went inside and then we went upstairs and then we went through the village and then we went to the street with new houses and then we went to feed our livestock and then we went to our homes under guard and then we went for our things and then we went through the same procedure and then we went to the bakery and then we went along the same street and then we went home to see what was happening there and then we went into the basement and then we went to measure the camshaft and then we went to bring 6 more bodies from the village and then we went to cover

the houses and then we went to repair the roof and then we went to gather stoves around the village and then we went to the cemetery to dig holes and then we went to look at the apartments and then we went forward, holding hands, and then we went to clear a mine field with the army and then we went on foot and then we went out for a walk and then we went to the Danube to get water and then we went in the hospital again and then we went to school together and then we went to eat and then we went into the yard with our blankets and then we went to Hum and then we went to the café where we started drinking and then we went back to the house to sleep.

---

corpus: ICJ Pleadings
method: searched for passages including "we went", sorted alphabetically by KWIC / CasualConc
modifications: arranged, shortened

Maybe

Under unknown circumstances,	maybe	
	maybe	deliberately
	maybe	even war crimes
And when they do	maybe	they will say
They exercise or	maybe	held to exercise sovereignty
I landed on Pulau Batu Puteh on	maybe	10 occasions
That is,	maybe	
Some, and	maybe	all
	maybe	even with undiplomatic clarity
the term conciliator being	maybe	better suited
It's a subtlety, but	maybe	you can accept that
A reason, or one of the reasons	maybe	
It could take two years,	maybe	longer
We have been	maybe	the only country
Could we have a	maybe	35 minute break
	maybe	from a very special stranded case
Or	maybe	incidentally-taken whale case
I suspect that	maybe	it's somewhat more difficult
I could observe	maybe	four planes
As	maybe	necessary
	maybe	around 1 a.m.
	maybe	this was the reason why I had to fight
And	maybe	some others

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corpus: ICJ Pleadings
method: searched for passages including "maybe" / CasualConc
modifications: selectively whitened

Elements of International Law

The earth has become more than ever a melting-pot.
The sea abounds in passages.
The air strikes back.
The fires are described as in part highly toxic.

The earth could point its infernal nuclear snouts at our globe.
The sea exists ipso facto and ab initio.
The air attacks.
The fire would be returned.

The earth could be lawful.
The sea does not contain any specific forms.
The air and the beasts have as equal a right to live and move about.
The fire was still burning in the ashes of the houses.

The earth is surrounded by air.
The sea is to the north.
The air proclaimed the independence of both States.
The fires do not genuinely resolve disputes.

The earth was plunged into the age of the atom.
The sea constitutes a coherent legal order.
The air must be understood to have accorded it an individual right.
The fire caused the scorching of wood buildings.

The earth was utterly destroyed.

The sea is a matter of history.

The air was one of intimidation and coercion.

The fire assailed the ground with a thunderous roar.

The earth was void.

The sea catches sight of a mountainous coast.

The air is only incidental to the consequences of the testing.

The fire leaped up towards the sky and a majority of the buildings crumbled.

---

corpus: ICJ Decisions
method: searched for occurrences of the four elements (earth, sea, air, fire) plus verb towards immediate right, listed in order of appearance / CasualConc
modifications: partially utilized synonyms for earth, fire, air

Intercession

Time!

At any time until the closure,
Time, call!

At any time with the consent,
Time, direct!

At any time before the final judgment,
Time, decide!

Time, entrust,
At any time.

---

corpus: ICJ Rules of Procedure
method: searched for occurrences of "time" / CasualConc
modifications: arranged, commas and exclamation marks added, selectively shortened, whitened

Map (UNTS: I-54729) annexed to the 2014 Agreement on Maritime Delimitation between the Republic of Ecuador and the Republic of Costa Rica.

Creations

UNTS

International Convention on Customs Treatment of Pallets used in the event of a frontal collision with focus on the measurement of the Circulation of Visual and Auditory Materials of an Inter-African Motor Vehicle Third Party Liability Insurance Card, Geneva 3 November 1923.

Convention for the provisional application of article 23 of the Convention on the Temporary Importation of Tourist Publicity Documents and Material, New York 30 March 1961.

Convention on Contracts for the Implementation of the Crime of Apartheid, Geneva 30 November 1973.

International Convention for the Suppression and Punishment of the Provisions of the Constitution of the Asian Rice Trade Fund, Geneva 14 December 2017.

Uniform provisions concerning the approval of headlamps for mopeds emitting a symmetrical passing beam and/or a driving beam or both and equipped with a compression-ignition engine with regard to rollover stability, Rome 13 June 1976.

International Sugar Agreement for Limiting the Manufacture of Internal Trade in and Use of Transboundary Movements of Hazardous Wastes and their trailers, Geneva 13 July 1931.

International Agreement on the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, New York 4 May 1949.

Declarations recognizing as compulsory the jurisdiction of the Statute of the net power and the Reciprocal Recognition of such Equipment for the Pacific Settlement of Disputes, Trieste Italy 24 October 1945.

Accra 4 May 1910 amended by the engine.

Uniform provisions concerning the approval of mechanical coupling components of combinations of agricultural tractors with regard to the installation of C.I. engines with regard to safety-belt anchorages. New York.

Minamata Convention on the Limitation Period in the Cause of Peace, 21 May 2003.

Protocol against the steering mechanism in the event of a Universal Character, Geneva 15 November 2000.

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corpus: Multilateral Treaties
generator: textgenrnn
modifications: shortened

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Articles

Bernard Audit

Great Powers and Outlaw States: Unequal Sovereigns in the International Court of Justice

Nguyen Jackson

The single gentium of Rwandan and African issues

Ben Dugard

International Law Professors at the Vanishing Point: A Philosophical Analysis of International Trade

David Bjorge & Shabtai Rosenne

Ghosts of the International Court of Justice and Torture

W. R. Bernard Ams

International Investment and the European Asylum

J. Rosanne van Within

Complementarity in the line of the effect of the political: Reviving and Morris and Expectations

Ben H. Peter

'Non': The International Court of Justice

Y. Y. R. Bayesfky

Between the law of international law

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corpus: BYIL
generator: MarkovChain
modifications: shortened, copy-edited

EJIL Vol 1990-2019

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The European Courts and Indigenous World War: A Reply to Mushkat

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corpus: EJIL
generator: MarkovChain, textgenrnn
modifications: shortened, copy-edited

Joint States Strongminded

We, the persons of the Joint States strongminded

- to protect following peers from the plague of conflict, which double in our era has transported indescribable grief to manhood, and
- to repeat confidence in important humanoid privileges, in the self-respect and value of the humanoid being, in the equivalent privileges of menfolk and females and of states big and minor, and
- to found circumstances below which fairness and admiration for the duties rising from agreements and additional bases of global rule can be upheld, and
- to indorse communal development and healthier values of lifetime in superior liberty.

And for these conclusions:

- to exercise broad-mindedness and live composed in concord with one additionals as decent nationals, and
- to marry our forte to uphold global concord and safety, and
- to safeguard, by the acknowledgement of values and the organisation of approaches, that fortified power will not be employed, except in the shared concern, and
- to use global equipment for the advancement of the financial and communal progression of each society,

Have determined to pool our labours to achieve these goals.

Thus, our own administrations, through legislatures gathered in the town of San Francisco, who have shown their packed muscles found to be in decent and suitable arrangement, have settled on the current Contract of the Joint States and do hereby found a global group to be recognised as the Joint States.

All words of the preamble of the UN Charter replaced (where available) with first synonym suggested by MS Word

The Inhabitants of the UN

They, the inhabitants of the UN, agreed to save successive generations from a war banner that gave civilization twice in our lives untold sorrow and renewed belief in fundamental human rights, the dignity and worth of the human person and the equal rights of men and women as well as of large and small nations, and to lay down the conditions in which justice and equality are created.

To this end the practice of harmony and peaceful coexistence as good neighbors and our solidarity to maintain international peace and security, to insure, by adoption of values and practices, that the army is not used, except for the common interest; and to use the international mechanism to support the economy.

Accordingly, our leaders in the City of San Francisco have decided on this UN Charter and are setting up an international organization called the United Nations, by delegates from our respective countries, which have shown their full powers in good and proper fashion.

The preamble of the UN Charter paraphrased with Quillbot.com

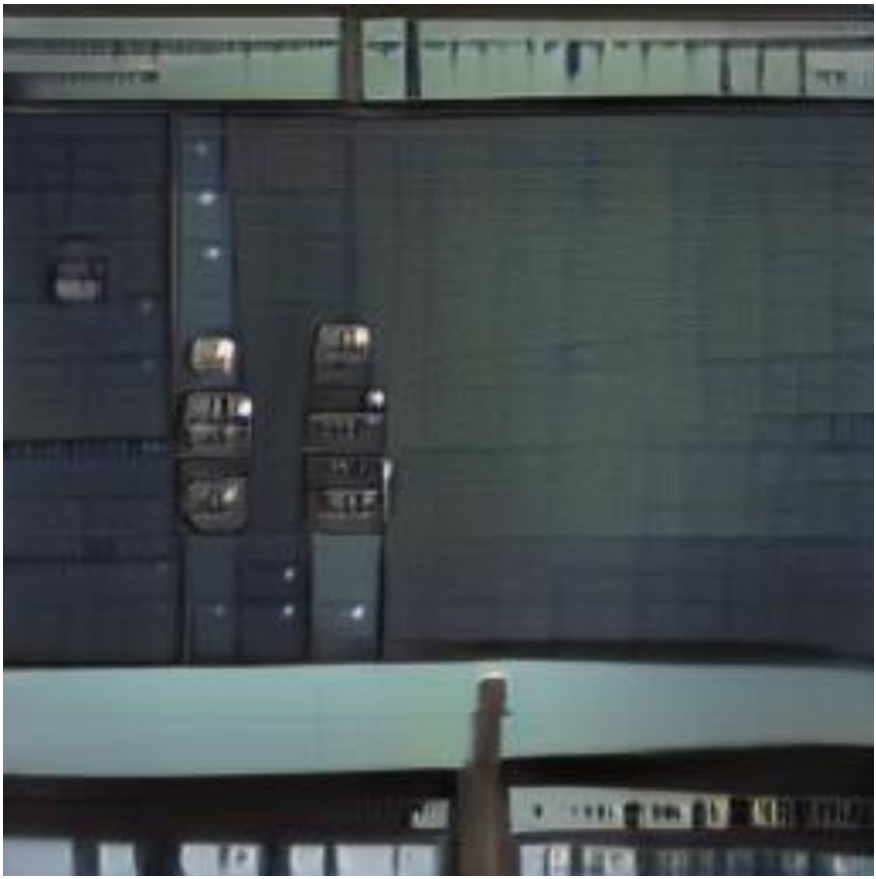
UN Transformer

"Almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time." (Louis Henkin)

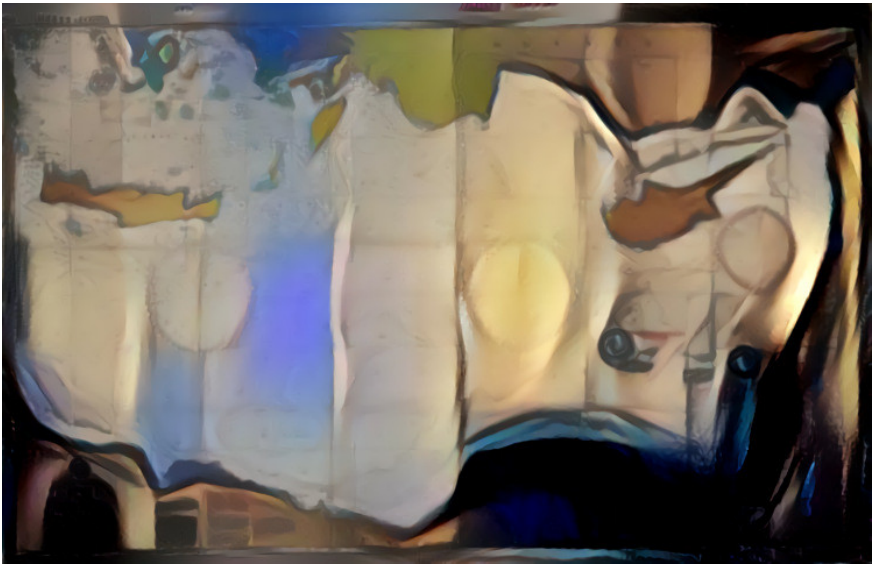
Talktotransformer.com continues the text as follows:

"Yet there is no institution that people revere so much as the UN. Not only is the UN the easiest of all organizations to start up and run, it is also a very powerful institution, too strong even to be abolished (the UN Charter spells out its inherent powers)."

A norm of public international law

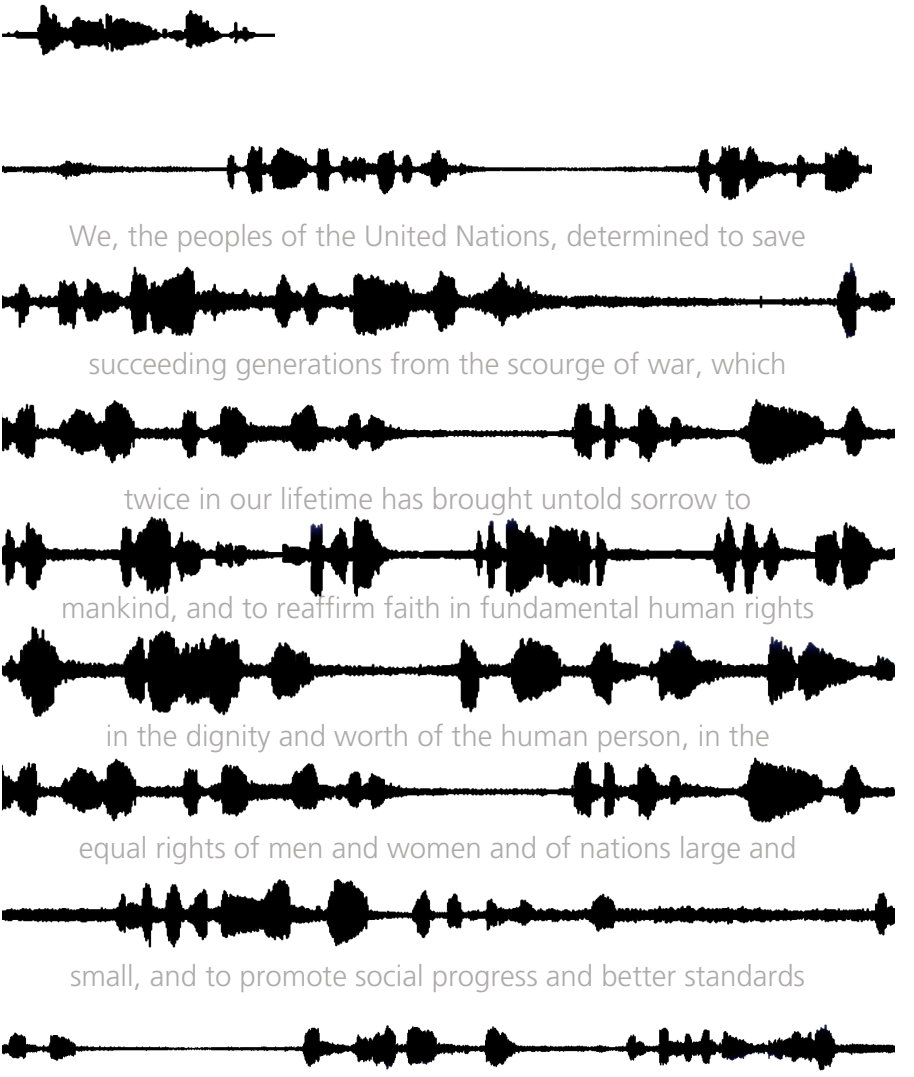


Visual response of Generative Engine / RunwayML to the input:
"This is a norm of public international law"



Map (UNTS: I-48387, volume 2740) annexed to the 2010 Agreement between the Government of the State of Israel and the Government of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone.

Translations



The Preamble to the UN Charter read by Sir Laurence Olivier (1950?),
visualised with Audacity, enhanced with Gimp

01000010

01000010 01101001 01101110 01100001 01110010 01111001
00100000 01100100 01101001 01110011 01110100 01101001
01101110 01100011 01110100 01101001 01101111 01101110
01110011 00100000 01100011 01100001 01101110 00100000
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01110011 00100000 01101111 01100110 00100000 01100001
01100110 01100110 01100001 01101001 01110010 01110011
00100000 01110100 01101000 01100001 01110100 00100000
01100001 01110010 01100101 00100000 01101110 01101111
01110100 00100000 01110011 01110101 01110011 01100011
01100101 01110000 00101101 00100000 01110100 01101001
01100010 01101100 01100101 00100000 01110100 01101111
00100000 01100010 01101001 01101110 01100001 01110010
01111001 00100000 01110010 01100101 01110000 01110010
01100101 01110011 01100101 01101110 01110100 01100001
01110100 01101001 01101111 01101110 01110011 00101110

Expression in binary code of the following sentence taken from *Irresolvable Norm Conflicts in International Law: The Concept of a Legal Dilemma* (OUP 2017) by Valentin Jeutner:

"Binary distinctions can obscure normative relationships by enforcing a binary structure on states of affairs that are not susceptible to binary representations."

- .... . / .-. ..- .-.. . ... / --- ..-. / .-.. .- .-- / -... .. -. -.. .. -. --. / ..- .--. --- -. / ... - .-
- . ... / - .... . .-. . ..-. --- .-. . / . -- .- -. .- - . / ..-. .-. --- -- / - ....-. / --- .-- -. /
..-. .-. . . / .-- .. .-.. .-.. / .- ... / . -..- .--. .-. . ... -.. / .. -. / -.-. --- -. ...- . -. - ..
--- -. ... / --- .-. / -... -.-- / ..- ... .- --. . ... / --. . -. . .-. .- .-.. .-.. -.-- / .- -.-. -.-. . .-
-. - . -.. / .- ... / . -..- .--. .-. . ... -. --. / .--. .-. .. -. -.-. .. .--. .-.. . ... / --- ..-. /
.-.. .- .-- / .- -. -.. / . ... - .- -... .-.. .. .. -.. / .. -. / --- .-. -.. . .-. / - --- / .-. . --.
..- .-.. .- - . / - .... . / .-. . .-.. .- - .. --- -. ... / -... . - .-- . . -. / - .... / -.-. --- -
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.-. / .-- .. - .... / .- / ...- .. . .-- / - --- / - .... . / .- -.-. ....- . -- . -. - / --- ..-. / -
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.... . / .. -. -.. . .--. . -. -.. . -. -.-. . / --- ..-. / ... - .- - . ... / -.-. .- -. -. --- - / - .... .
.-. . ..-. --- .-. . / -... . / .--. .-. . ... ..- -- . -.. .-.-.-

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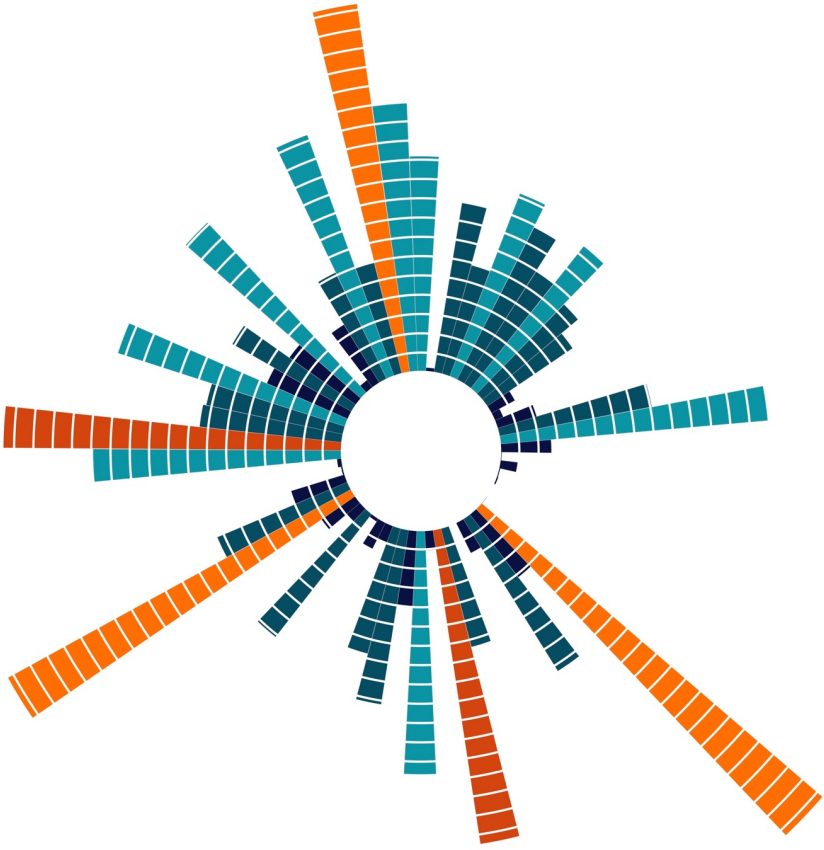
Translation of the "Lotus Principle" (s.b.) into Morse code / MorseCode.world

"The rules of law binding upon States therefore emanate from their own free will as expressed in conventions or by usages generally accepted as expressing principles of law and established in order to regulate the relations between these co-existing independent communities or with a view to the achievement of common aims. Restrictions upon the independence of States cannot therefore be presumed." (para 44, SS Lotus)

The Sound of Non Liquet*



Visual representation of a recording of paragraph 105(2)(E) of the ICJ's 1996 Nuclear Weapons Advisory Opinion / Audacity, SoundWavePic.com

* Whether paragraph 105(2)(E) of the Nuclear Weapons Advisory Opinion amounts to a non liquet declaration is of course disputed. See Valentin Jeutner, Irresolvable Norm Conflicts in International Law: The Concept of a Legal Dilemma (OUP 2017).

Lost in Translation

Article 53, VCLT

"A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character."

Article 53, VCLT translated with translate.google.com from:

English => Mandarin Chinese => Spanish => Hindi => Bengali => Portuguese => Russian => Japanese => Punjabi => Marathi => Telugu => Turkish => Korean => French => German => Vietnamese => Tamil => Urdu => Javanese => Italian => Arabic => Persian => English:

"According to international law, the contract is not valid after termination. For the purposes of this International Agreement, it does not enforce the essential requirements of international law in accordance with the rules of the international community and may only be amended by these laws. Below: Public Law and Commerce."

Article 1, ICJ Statute

"The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute."

Article 1, ICJ Statute translated with translate.google.com from:

English => Mandarin Chinese => Spanish => Hindi => Bengali => Portuguese => Russian => Japanese => Punjabi => Marathi => Telugu => Turkish => Korean => French => German => Vietnamese => Tamil => Urdu => Javanese => Italian => Arabic => Persian => English:

"The International Court of Justice, established under United Nations Code of Ethics, is a United States Central Court operating under this article."

It’s time for talk

German (recording)

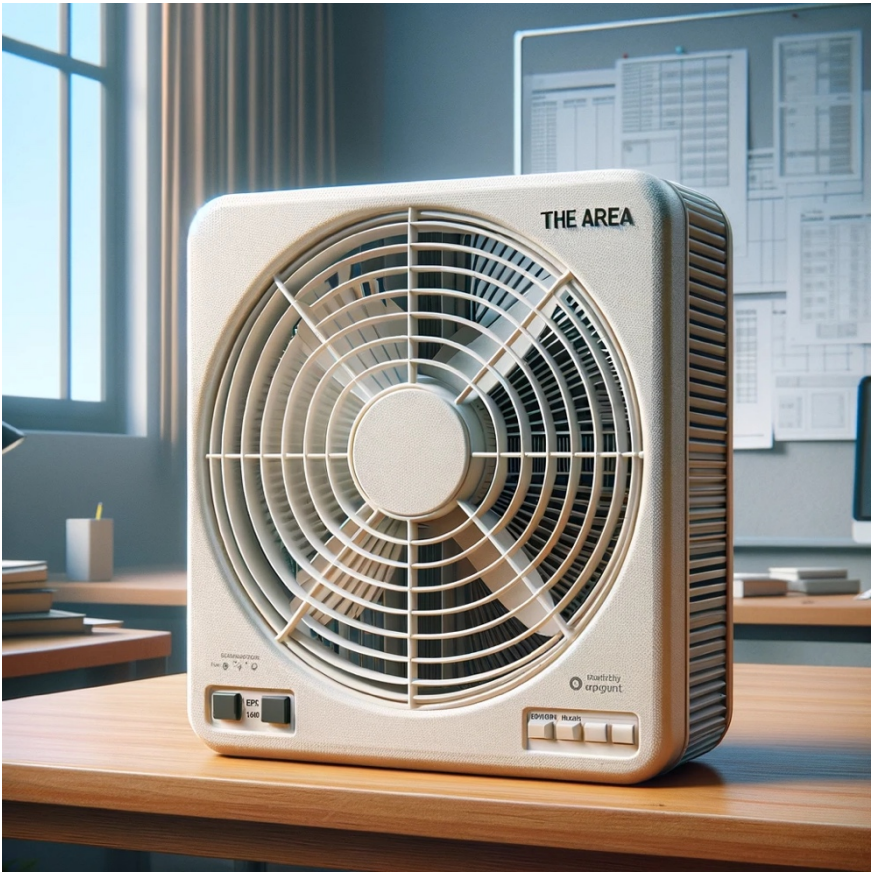
Ist ein Vertrag in Kraft, so bindet er die Vertragsparteien und ist von ihnen nach Treu und Glauben zu erfüllen.

English (US)	English (GB)	English (India)	English (VCLT)
It's time for talk and crafts Benedetti fat Ox button on this phone in and not toy on cloud to Efren.	It's time to attack and cast and identify tasks, but I know this from Heanor to Alfreton.	Is amphoteric and craft in that affect textile industry in an oil cloud through a Felon.	Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

Article 62, VCLT (*pacta sunt servanda*), recorded in German, submitted to cloud.google.com/speech-to-text, recognised as English (GB), English (US), English (India)

Map of Bahía de Corisco annexed to the 2021 Memorial of the Republic of Equatorial Guinea in the case of *Land and Maritime Delimitation and Sovereignty over Islands* (Gabon/Equatorial Guinea), vol II, M3.

Imaginations


THE AREA

The Area


ARSIWA
TOOTHPASTE
ARSIWA
TOOTHPASTE
ARSIWA

TWAIL

1648

1648

Art. 51

Art. 51

ICESCR

ICCPR

DARIO

Comity

Jus Cogens

UNCLOS

UNGA

Lex Superior


SOVEREIGN EQUALITY

ECHR

Opinio Juris

Uti Possidetis

Estoppel

ICRC

VCLT

Corpora

Nuremberg Files

Set of 42 volumes of the official records of the trials of the major German individuals accused of war crimes at Nuremberg (1945-1946). The files are available for download at:
https://maint.loc.gov/rr/frd/Military_Law/NT_major-war-criminals.html

ICJ Decisions

All decisions, orders, judgments, advisory opinions etc. of the International Court of Justice (1945-2019). The decisions of the International Court of Justice are available for download at: www.icj-cij.org.

ICJ Pleadings

All pleadings (written and oral) of the International Court of Justice (1945-2019). The pleadings are available for download at: www.icj-cij.org.

ICJ Rules of Procedure

The Rules of Procedure of the ICJ. The Rule of Procedure can be found here: https://www.icj-cij.org/rules.

Multilateral Treaties

All 666 multilateral treaties deposited with the Secretary-General of the UN. The list of treaties can be downloaded at:
www.treaties.un.org/pages/Index.aspx

EJILTalk! and OpinioJuris

Blog posts and comments from EJILTalk! (www.ejiltalk.org) and OpinioJuris (www.opiniojuris.org) up to 2019.

Historic Textbooks

This corpus contains the following historic textbooks on or related to international law:

- Niccolo Machiavelli, The Art of War (Neville trans.) [1521]
- Hugo Grotius, The Rights of War and Peace (2005 ed.) vols. 1-3 [1625]
- Samuel von Pufendorf, An Introduction to the History of the Principal Kingdoms and States of Europe [1695]
- James Mill, Law of Nations [1825]
- Carl von Clausewitz, On War vols. 1-3 [1832]
- Lawrence Thomas Joseph, The Principles of International Law [1884]
- Pearce Higgins, The Hague Peace Conferences and Other International Conferences concerning the Laws and Usages of War [1909]

These historic textbooks can be downloaded at: www.archive.org.

BYIL

All article titles of all volumes from 1976-2017 of the British Yearbook of International Law. The archive of the BYIL is available here: www.academic.oup.com/bybil.

EJIL

All article titles of all volumes of the European Journal of International Law. The archive of the EJIL is available here: www.ejil.org.

Tools

Audacity
Browserling.com
CasualConc
CasualTextractor
ChatGPT-4
DeepDreamGenerator
Generative Engine / RunwayML
Gillmeister-Software.com
Gimp
Google.com
MarkovChain / markofivy
MorseCode.world
MS Word
MS Copilot
Python
Quillbot.com
Rhymezone.com
SketchEngine.com
SoundWavePic.com
Talktotransformer.com
textgenrnn
Textmechanic.com

Notes on Methodology

The texts brought together in this collection are experimental co-productions by different software applications and their user. Some of the results share certain characteristics, others do not. For the purposes of this collection, they are divided into four imperfectly distinguished categories: modifications, creations, translations, and imaginations.

Modifications

The point of departure of the texts featuring in the collection's first part are different text corpora that have been manipulated and modified with the help of corpus-management software. This process contains both mechanical and creative aspects. The composition of these texts begins with the selection of a particular text corpus (e.g. UN Security Council Speeches, Historic Textbooks).

Once a text corpus has been selected, the actual corpus needs to be compiled. This tends to be a mechanical process which requires locating the texts (downloading, scanning) and making them machine-readable (for example, by means of optical character recognition programmes). Eventually, text corpora thus compiled are submitted to a corpus-manager. Corpus managers are software applications that can create word frequency lists, identify common word combinations, compare collocations of groups of words in their contexts, produce n-grams (multi-word-expressions) and sort them in accordance with various parameters. For this project, I used a desktop-based corpus-manager (CasualConc) and an online corpus-manager (Sketchengine.eu).

Subsequently, users can exercise a significant degree of discretion. They must decide, for instance, which function of the corpus-manager should be used.

The user might decide to identify the most common 4-word combinations in a particular text, or the most common 4-word combinations beginning with an 'I' (e.g. in the IMT Corpus), or to create a list of words ending with a particular ending like '-ous' etc.

With respect to the results which these choices produce, users must decide how to present and order them (in order of frequency, in (reverse) alphabetical order, in order of length). When terms are searched for in particular contexts (e.g. the word 'maybe' in the ICJ Pleadings), users must decide if and to which extent the context of that particular term should form part of the eventual output. Often it can take a long time until portions of a text-corpus have been re-arranged, filtered, distilled in a manner that produces a meaningful outcome (the definition of 'meaningful' will also vary from user to user).

Creations

The texts featured in the collection's second section also pre-suppose the existence of a corpus. But in these cases, software programmes were not used to manipulate or analyse the corpora. Rather, the corpora were submitted to software programmes as datasets which the software programmes then attempted to emulate. Two different mechanisms were used: the neural-network-based 'textgenrnn' and the Markov-Chain-based python programme 'markovify'.

For example, the article titles and corresponding author names of law journals were extracted from journal archives and then submitted as a dataset to textgenrnn which then tried to compose a plausible contents page for these law journals. Most of this process is mechanical, but the software user can exercise discretion with respect to the chosen text corpus, with respect to the software's degree of creativity and with respect to the length of the presented output. It should be noted that applications like textgenrnn pre-date ChatGPT and are significantly less powerful than contemporary (2025) AI tools.

Translations

The collection's third part features texts that have been translated from one language or one format to another. The translations themselves are mechanical processes executed by different translation programmes. However, the software user must decide which texts to translate and by which method a particular translation is being carried out.

Imaginations

The fourth section features images created by ChatGPT-4 in response to simple prompts that asked ChatGPT-4 to generate photo-realistic images of the various treaties, concepts, provisions featured in that section. The fourth section was added to the second edition to illustrate how significantly the capabilities of artificially intelligent software programmes has improved since the publication of *[l]ex machina's* first edition in 2020. ChatGPT's ability to modify, create, or translate legal texts is now such that it is more difficult to use it to create texts that trigger in users the sense of estrangement/cognitive dissonance that *[l]ex machina's* original texts produce.

The Maps

The first four maps, which introduce the different parts of the collection, are taken from the archives of the United Nation's Treaty Series. They were submitted to the DeepDreamGenerator. The DeepDreamGenerator uses neural networks to interpret and modify image files. The fifth map (added in this second edition), which introduces the section on 'Imaginations', was taken from the ongoing case *Land and Maritime Delimitation and Sovereignty over Islands* (Gabon/Equatorial Guinea) before the International Court of Justice. Since the DeepDreamGenerator no longer offers the function used to create the first four maps, I asked Microsoft's Copilot to modify the map in a manner that resembles the first four maps.

Guiding Principles

The texts in this collection were composed and compiled in accordance with the following six rules, originally proposed by Hannes Bajohr:

1. One may modify a word's genus, numerus, tense as well as inflection.
2. One may add punctuation marks as well as line breaks.
3. One may insert conjunctions.
4. One may not delete more than four sentences in a row.
5. One may not delete more than ten words in a row.
6. One may disregard any of these rules if it pleases the text.

Acknowledgements

I thank Hannes Bajohr, whose book *Halbzeug* (Suhrkamp 2018) inspired the *[l]ex machina* project, for sharing his advice and techniques with me on multiple occasions. At Media-Tryck, I thank Jonas Palm for agreeing to produce this book (once more!) despite its slightly unusual character. Jeffery Atik, Tova Bennet, Emilija Branda, Jonathan Jeutner, Daniel Peat and Matthew Windsor reviewed drafts of this collection. I thank them for their help and comments.

The *[l]ex machina* project is part of the Quantum Law Project, funded by the Marianne and Marcus Wallenberg Foundation's *Wallenberg AI, Autonomous Systems and Software Program – Humanity and Society* ('WASP-HS'). WASP-HS funds research projects studying the implications of digitalisation on social sciences and the humanities.

Conceptual Legal Writing: Fragments of a Catalogue

Conceptual legal writing manipulates legal texts to draw attention to their aesthetic features. The term 'aesthetic' refers here in the literal sense to features that determine how readers perceive legal text.[1] Such features include the use of certain expressions, terms, page formats, fonts, registers, references, punctuation marks or colours. That many readers are accustomed to overlook these features is due to the very function of a text's aesthetic appearance: namely, to frame the reader's interaction with and interpretation of text. This process works only if the aesthetic frame recedes into the background and creates the impression that what readers see is not a contingent understanding of the world and the law but rather an 'articulation of law itself'.[2] Thus, that law's aesthetic features engage readers at a 'pre-reflective'[3] level is an essential part of their function. The relative invisibility of law's aesthetic features (at least to seasoned eyes) also conceals, however,

* I thank Hannes Bajohr, Mahesh Menon, Alberto Rinaldi, Amanda Kron & Lorenzo Gradoni for their comments on earlier drafts of this essay. I also thank Harbani Ahuja, Franck Leibovici, M. nourbeSe Philip, Vanessa Place & Julien Seroussi for their permissions to reproduce excerpts of their works.

[1] There is no universally accepted definition of the term 'aesthetics' in legal contexts (Anne Barron, 'Spectacular Jurisprudence' (2000) 20 Oxford Journal of Legal Studies 301, 301). I use the term in its literal sense as a reference to perception and sensation in general as opposed to the study of art or beauty (Robert Beekes, *Etymological Dictionary Of Greek*, vol 1 (Brill 2010) 43). Schlag adopts a similarly broad understanding (Pierre Schlag, 'The Aesthetics of American Law' [2002] Harvard Law Review 1050) whereas West refers to law's aesthetic in a narrower sense: Robin West, 'Jurisprudence as Narrative: An Aesthetic Analysis of Modern Legal Theory' (1985) 60 New York University Law Review 145, 204, 210–211.

[2] Schlag (n 1) 1114.

[3] ibid 1117.

how significantly they shape how readers see the extra-legal world, the law and themselves. Conventional legal texts present to us a 'juridified' version of reality – a version stripped, in substance and form, of facts and nuances deemed to be legally irrelevant.[4] Terms like 'collateral damage' or 'military necessity', for example, conceal the horrors that warring parties inflict on innocent civilians. By banishing from conventional legal texts the screams of parents whose children were killed by an airstrike or the images of bodies ripped apart by bombs, law's aesthetic features regulate what we are to expect from law.[5] The law does not offer consolation, pain relief, mercy or, for that matter, unconditional protection of civilian lives. Law's aesthetic directs anyone searching for those and other things to look elsewhere. Finally, law's aesthetic features frame our own sense of agency in relation to legal text. The rigidity and sterility of legal texts, their impersonal appearance and the fact that their form often remains unchanged for decades (sometimes centuries), suggests that they are beyond our control and, by extension, that we need not concern ourselves with them. Conceptual legal writing reasserts our agency (as readers, as writers) with respect to law's aesthetic features by revealing how law's aesthetic features shape the way we see the extra-legal world, the law and us.

This essay introduces the method of conceptual writing in three steps. First, I explain what conceptual legal writing is by identifying it as a sub-species of conceptual writing and by considering in detail which objectives it aims to achieve. Second, I consider how conceptual legal writing pursues its objectives by presenting numerous examples of manipulated legal texts. Third, I argue that conceptual legal writing is deeply committed to law, text, and to the importance of our agency despite, or maybe because of, its subversive potential.

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[4] ibid 1104.

[5] As Schlag observes, to 'be under the sway of an aesthetic is not only to think in a certain way, but also to perceive law in a certain way': ibid 1117.

1. From Conceptual Art to Conceptual Legal Writing

Conceptual legal writing is a sub-species of conceptual writing. Conceptual writing, in turn, is a form of conceptual art.[6] Conceptual art prioritises the concept behind a creation over the creation itself.[7] Popular examples include Marcel Duchamp's *Readymades*,[8] John Cage's musical compositions,[9] or Andy Warhol's unwatchable movies.[10] Conceptual writing applies the techniques of conceptual art to words and texts.[11] Accordingly, conceptual texts ask readers not to focus on their content but to consider the frame, the concept behind the

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[6] Craig Dworkin, 'The Fate of Echo' in Craig Dworkin and Kenneth Goldsmith (eds), *Against Expression: An Anthology of Conceptual Writing* (Northwestern University Press 2011) xxiii.

[7] Sol LeWitt, 'Paragraphs on Conceptual Art' in Alexander Alberro and Blake Stimson (eds), *Conceptual Art: A Critical Anthology* (MIT Press 1999) 12.

[8] For a discussion of the significance of Marcel Duchamp's work for conceptual writers, see, e.g.: Kenneth Goldsmith, 'Why Conceptual Writing? Why Now?' in Kenneth Goldsmith and Craig Dworkin (eds), *Against Expression: An Anthology of Conceptual Writing* (Northwestern University Press 2011); Dworkin (n 6).

[9] For a discussion of the importance of John Cage's work for conceptual writers, see, e.g.: Marjorie Perloff, 'John Cage as Conceptualist Poet' (2012) 77 South Atlantic Review 14; Liz Kotz, 'Post-Cagean Aesthetics and the "Event" Score' (2001) 95 October 54.

[10] For a discussion of Warhol's influence on conceptual writers, see, e.g.: Kenneth Goldsmith, 'A Week of Blogs for the Poetry Foundation' in Andrea Andersson (ed), *Postscript: Writing after Conceptual Art* (University of Toronto Press 2018); Brian Reed, 'Give Them What They Want: Populist Rhetoric in Conceptual Art and Writing' in Andrea Andersson (ed), *Postscript: Writing after Conceptual Art* (University of Toronto Press 2018); Gwen Allen, 'From Materiality to Dematerialization and Back: Conceptual Writing in a Digital Age' in Andrea Andersson (ed), *Postscript: Writing After Conceptual Art* (University of Toronto Press 2018).

[11]Peter Schwenger, 'Words and the Murder of the Thing' (2006) 28 Critical Inquiry 99, 105. While there are many forms of conceptual art that demonstrate the opacity of language, conceptual writing takes the opacity of language for granted in order to study how exactly language operates at a more foundational level: Dworkin (n 6) xxxvi.

content.[12] Rather than looking through text for meaning, conceptual writing invites us to look at the text itself.[13]

In order to achieve this objective, conceptual writing employs a number of techniques which include the moderate or radical reframing of texts, partial or total erasure of text, combining different texts into one or appropriating the texts of others. I provide fragments of a catalogue of these techniques in the second section. But before considering these methods in more detail, it is instructive to note that conceptual texts share at least five characteristics: first, they tend to work with 'found' texts – texts that already exist in some form or shape and were (ordinarily) written by others.[14] Conceptual writing is thus not driven by the intention to create something new but by the desire to enable readers to engage with existing materials that are 'already in plain view'[15] in a manner that reveals 'previously obscured' layers of meaning.[16]

Second, the process of manipulating these texts is concept-driven.[17] The ideas informing a concept may be simple, but it is ideas that drive

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[12] Christian Bök, 'Two Dots over a Vowel' in Andrea Andersson (ed), *Postscript: Writing after Conceptual Art* (University of Toronto Press 2018) 291; Nick Thurston, 'What Was Conceptual Writing?' in Andrea Andersson (ed), *Postscript: Writing after Conceptual Art* (University of Toronto Press 2018) 269.

[13] Notably, however, the severability of concept from content, frame from substance, idea from thing is and remains a matter of controversy. In the context of conceptual practices, the relation between concept and content is thus not a binary one (i.e. concept does not displace content *in toto*) but one of degree (concept tends to take priority over content or output). Cf. Annette Gilbert, *Literature's Elsewheres: On the Necessity of Radical Literary Practices* (MIT Press 2022) ch 3.

[14] Conceptual forms of writing that do not – at least not directly – engage with pre-existing texts include forms of generative digital literature (see, e.g., Nick Montfort's *ppg256* series: https://nickm.com/poems/ppg256.html) and texts that are based on spoken words (see, e.g., Kenneth Goldsmith's *Soliloquy*: https://collection.eliterature.org/1/works/goldsmith_soliloquy/days.html).

[15] Ludwig Wittgenstein, Philosophical Investigations (GEM Anscombe, PMS Hacker and Joachim Schulte trs, 4th edn, Wiley-Blackwell 2009) 47.

[16] Laynie Browne, 'A Conceptual Assemblage: An Introduction', *I'll Drown My Book: Conceptual Writing by Women* (Les Figues Press 2012) 16.

[17] Nikolai Duffy, 'Reading the Unreadable: Kenneth Goldsmith, Conceptual Writing and the Art of Boredom' (2016) 50 Journal of American Studies 679, 682–683.

the process of reframing, erasing, combining or appropriating.[18] Conceptual writing is a highly 'restrained' form of writing that submits the process of composing text to pre-determined rules.[19] Paraphrasing Sol LeWitt, one could say that 'the idea becomes the machine that writes the text'.[20] By engaging with texts that are not their own, conceptual writers 'allow arbitrary rules to determine the chance and unpredictable disposition of that [text]; they let artificial systems trump organic forms; and they replace making with choosing, fabrication with arrangement, and production with transcription.'[21] In *Sir David Maxwell Fyfe*, featured at the beginning of this book, for example, I asked a corpus management software to identify the most common 4-word combinations beginning with 'I' and presented the output in the order in which the corpus manager presented it to me. It is the concept and the textual material that determined the outcome of this exercise.

Third, conceptual writing seeks to keep authorial intervention to a minimum. Once authors have made their conceptual decisions, they recede into the background and leave it to the process and/or a machine to execute their plans. A key reason for the preference of conceptual writers to execute their concepts in accordance with pre-determined plans or to delegate their execution to machines is to eliminate, as much as possible, 'the arbitrary, the capricious, and the subjective' otherwise associated with authorial intervention.[22] The desire to keep the subjective preferences of the conceptual writer out of a manipulated text also explains the 'exhaustive and obsessive nature' of many pieces of conceptual writing that 'rehearse every possible permutation of a given system' or 'use the entirety of a data

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[18] LeWitt (n 7) 13.

[19] Conceptual writing is but the latest example of a much broader practice of creating texts in accordance with pre-determined parameters. Other manifestations include the *Oulipo* movement (for an overview, see, e.g.: Philip Terry (ed), *The Penguin Book of Oulipo: Queneau, Perec, Calvino and the Adventure of Form* (Penguin 2019)) or *Dokumentarliteratur* (for an overview, see, e.g.: Heinz Ludwig Arnold and Stephan Reinhardt (eds), *Dokumentarliteratur* (Boorberg 1973)).

[20] LeWitt (n 7) 12. The original passage reads: 'The idea becomes the machine that makes the art.'

[21] Dworkin (n 6) xliii–xliv.

[22] LeWitt (n 7) 13.

set' (or of a legal case, for that matter).[23] Applying a technique without compromise to an entire text avoids any 'temptation to tinker or edit or hone'.[24] And yet, any piece of conceptual writing naturally retains the 'spoor' of the conceptual writer's 'personal signature'.[25] Conceptual writers may instruct and program the technical tools they are using to create texts but even though a 'procedure or algorithm organizes the writing…those procedures do not substitute for the writing.'[26] They may 'set up a system and step back as it runs its course' but they still set up the system.[27] Authors must decide, for instance, which texts and software to work with, how to use them and how to present the final product.[28] In most cases, the fact that these choices determine which text the various algorithms produce does not mean that the author is able to predict which texts the algorithms will produce. As Hannes Bajohr observes: 'stipulating the criteria for generating text does not entail stipulating the text itself.'[29] He continues: the '*Geist* leaps into the machine without which the machine could not have acted in the manner it did.'[30] The machines, the algorithms, the programmes used to create conceptual literature can execute tasks that would be impossible, or at least very difficult, for a human to complete (such as identifying the average length of sentences in a 20 volume work). And the programmes do create the texts, execute the human commands in accordance with specific normative preferences that condition their existence.[31] Ultimately, however, it is a human *Geist*, a human spirit, a human idea, that animates the technological process.

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[23] Dworkin (n 6) xliv.

[24] ibid.

[25] ibid xxxix. Similarly, Laynie Brown remarks that the claim 'that conceptual writing creates only ego-less works is actually [a] false construction', Browne (n 16) 15.

[26] Dworkin (n 6) xxxvii.

[27] ibid xliv.

[28] Annette Gilbert, 'Möglichkeiten von Text im Digitalen' (2017) 91 Deutsche Vierteljahrsschrift für Literaturwissenschaft und Geistesgeschichte 203, 216.

[29] Hannes Bajohr, 'Vom Geist und den Maschinen' (*Logbuch. Deutschsprachige Literatur heute (Suhrkamp Blog)*, 8 June 2016) <https://www.logbuch-suhrkamp.de/hannes-bajohr/vom-geist-und-den-maschinen/> accessed 9 March 2023.

[30] ibid.

[31] The refusal of ChatGPT-3 to engage in a critical (self-)analysis of AI and of itself is a particularly striking example of the normative character of a seemingly value-neutral AI application.

Fourth, all of these techniques aim to defamiliarize familiar texts by rendering their habitual, automatic consumption difficult if not impossible. As the Russian literary theorist Victor Shklovsky notes: 'Habitualization devours works, clothes, furniture, one's wife, and the fear of war'.[32] Habitual reading may enhance our ability to see through text but it diminishes our ability to see text. In other words, habitual or automatic reading makes it difficult – especially for seasoned readers, to recognize the invisible frames that condition the way we read and interpret texts. One of the purposes of conceptual writing, as of art in general, is therefore to 'impart the sensation of things as they are perceived and not as they are known.'[33]

Fifth, in order to achieve the objective of disrupting our habitual consumption of texts, conceptual writing presupposes that readers of manipulated texts possess at least a rudimentary familiarity with the pre-manipulated versions of the conceptual texts. The needed degree of familiarity varies. In order to reflect upon a novel written by an algorithm or generated by AI based on a large language model (LLM), it is sufficient to be familiar with novels not written by algorithms or derived from LLMs.[34] But in order to understand the significance of an algorithm's manipulation of a particular fairy-tale,[35] for example, it is important to be familiar with that particular fairy-tale. Familiarity with the pre-modified text is so important because conceptual writing is 'allegorical' which means, Vanessa Place explains, that while its 'textual surface (or content) may or may not contain a kind of significance…this surface significance (or content) is deployed against or within an extra-textual narrative (or contextual content) that is the work's larger (and infinitely mutable) meaning'.[36] The meaning of a conceptual piece of writing is thus difficult, if not impossible, to access

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[32] Victor Shklovsky, 'Art as Technique' in David Lodge (ed), *Modern Criticism and Theory* (Longman 1988) 20. See also, Hannes Bajohr, *Schreibenlassen: Texte Zur Literatur Im Digitalen* (August Verlag 2022) 44–45.
[33] Shklovsky (n 32) 20.
[34] Hannes Bajohr, *(Berlin, Miami)* (Rohstoff 2023).
[35] Hannes Bajohr, 'Es trug sich zu', *Halbzeug* (Suhrkamp 2018).
[36] Vanessa Place, 'Afterword', *I'll Drown My Book: Conceptual Writing by Women* (Les Figues Press 2012) 446.

without a reader's awareness of the manipulated text's extra-textual context.

While conceptual legal writing shares these five features with conceptual writing and uses the same techniques, it differs from conceptual writing in at least four respects. First, conceptual legal writing manipulates exclusively legal materials.[37] Such materials include statutes, treaties, contracts, witness statements, parking tickets, judgments, textbooks etc. This means that a fusion of a judgment with witness statements is a piece of conceptual legal writing whereas conceptual texts *about* law[38] or texts authored by 'poets educated and trained as lawyers'[39] are not.[40] The latter might still tell us much about the law, but they tell us less about the aesthetic features of legal text. Naturally, the label 'conceptual legal writing' does not preclude that the very same text could also be, and likely also is, a piece of 'conceptual writing' or a piece of 'conceptual art' in general.

Second, conceptual legal writing is primarily addressed to readers who are familiar with the original versions of the manipulated legal texts.

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[37] The contours of the category 'legal materials' are necessarily extremely vague since any piece of writing could in principle become a legally significant piece of text – e.g. in the context of cases concerning copyright proceedings, defamation suits, hate speech etc.

[38] Kurt Borchard, 'The Subjection of the Girl of the Period: Conceptual Writing in Response to Overturning Roe v. Wade' (2024) 13 Departures in Critical Qualitative Research 77.

[39] James R Elkins (ed), 'Off the Record: An Anthology of Poetry by Lawyers' (2004) 28 Legal Studies Forum 1. The anthology spans more than 700 pages and at least some poems included in the collection would count as conceptual legal writing. See, e.g.: Richard S Bank, 'Commonwealth v. Wright 317 A.2nd 271' (2004) 28 Legal Studies Forum 417.

[40] A borderline case may be '*Bozkurt Case, aka the Lotus Case (France v Turkey): Ships that Go Bump In the Night*' by Christine Chinkin, Gina Heathcote, Emily Jones and Henry Jones. The chapter features a feminist rewriting of the *Case of the S.S. Lotus*. While the chapter engages with a 'found' text, presumes that readers know the original and reframes the text's substance, the text's form is largely left intact and the authors' voice is stronger than the concept's: Christine Chinkin and others, 'Bozkurt Case, Aka the Lotus Case (France v Turkey): Ships That Go Bump In the Night' in Loveday Hodson and Troy Lavers (eds), *Feminist Judgments in International Law* (Hart 2019).

That is, conceptual legal writing is primarily, though certainly not exclusively,[41] addressed to lawyers, legal academics, law-students, judges, lawmakers etc. Pieces of conceptual legal writing invite readers to engage in a form of 'distant reading' – a type of reading that reads a given text alongside and with reference to a text that is not to hand but that the reader knows. Matilda Arvidsson has suggested that this kind of reading expects readers to engage in 'misreadings'.[42] Misreadings are readings that violate 'some of the protocols that govern…legal scholarship'.[43] Anne Orford encourages this type of reading in *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law*.[44] It is true that many pieces of conceptual legal writing violate the protocols that govern legal scholarship and encourage readers to read legal texts in a manner they 'were generically and institutionally never meant to be read'.[45] However, in contrast to the 'productive misreadings' that Anne Orford and Terry Threadgold discuss, the invitation of conceptual legal writing's to 'misread' legal texts does not seek to make 'these texts "mean differently"'.[46] Conceptual legal writing invites 'misreadings' primarily with the aim of disrupting the mechanical reading of legal texts.

Third, conceptual legal writing works with a type of text that is already highly formulaic and stripped of many subjective traces. As a conceptual writer, the German author Hannes Bajohr has the entire canon of German literature at his disposal.[47] Conceptual legal writers,

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[41] Indeed, as Philip Mills rightly observes, transforming legal texts into pieces of conceptual legal writing could entice non-legal readers who might otherwise have 'no reason…to read' legal documents 'written in a neutral language of little literary interest' to take an interest in legal materials: Philip Mills, 'Poetry, Performativity, and Ordinary Language Philosophy' (Springer Nature Switzerland 2025) 149.

[42] Matilda Arvidsson, 'The "Turn to History" and the Year of the Yearbook of International Law' (2019) 50 Netherlands Yearbook of International Law 9, 17.

[43] Anne Orford, Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law (Cambridge University Press 2003) 38.

[44] ibid.

[45] Terry Threadgold, 'Book Review: Law and Literature: Revised and Enlarged Edition by Richard Posner' (1999) 23 Melbourne University Law Review 830, 838.

[46] Orford (n 43) 38; Threadgold (n 45) 838.

[47] Hannes Bajohr, *Durchschnitt* (Frohmann 2016).

by contrast, must content themselves with rules of procedure, statutes or judgments that employ a very limited set of words and expressions. Accordingly, Brian L. Frye suggests that legal text might be a comparatively 'mediocre genre'[48] and Isobel Roele cautions that the legal discipline is 'drowning in texts' that might be 'great fodder for language games' but 'less well-fitted for creative playing' when compared to objects, for example.[49] At the same time, however, the highly formalized and stylized character of legal text means that they are perfectly primed to be subjected to conceptual manipulations. Their rigid and sterile register means that even very small manipulations can have very noticeable effects, and the repetitive use of words allows conceptual legal writers to implement 'system-wide' manipulations with comparative ease.

Fourth, while conceptual legal writing does not seek to promote any particular agenda, it does aim to problematise the aesthetic features of law. Conceptual writers and artists have occasionally called their craft and creations 'purposeless',[50] 'emotionally dry',[51] 'dispassionate'[52] or embodying an ethos of 'boredom, valuelessness and nutrionlessness'.[53] It is of course questionable whether any human activity can be truly 'purposeless' or 'valueless' and whether conceptual writers, who are often 'oddly romantically inclined about their own effect on posterity',[54] go about their business in a 'dispassionate' manner. Indeed, some conceptual writers explicitly acknowledge that their work is meant to 'promote critical thought toward social justice', for example.[55] In any case, conceptual *legal* writing cannot avoid being charged, having purpose, or value. This is so because it deals exclusively with a textual

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[48] Brian L Frye, 'Deodand' (2021) 44 Seattle University Law Review SUpra 55, 60.
[49] Isobel Roele, 'The Making of International Lawyers: Winnicott's Transitional Objects' in Jessie Hohmann and Daniel Joyce (eds), *International Law's Objects* (Oxford University Press 2018) 89.
[50] LeWitt (n 7) 12.
[51] ibid.
[52] Reed (n 10) 153.
[53] Goldsmith (n 10) 142–143.
[54] Darren Wershler, 'Poetry without Poets' in Andrea Andersson (ed), *Postscript: Writing after Conceptual Art* (University of Toronto Press 2018) 218.
[55] Borchard (n 38) 78.

material whose powers are rivalled, if at all, only by sacred scriptures. Like few others, legal texts can enable or restrict us. They can take away our rights and liberties, and in extreme cases even our lives. They can project the power of the few or empower the many. Since legal texts deal with matters of such seriousness, conceptual legal writing and its creations can never be 'purposeless' or 'disinterested'. Engaging with power is always normative. Dispassionate engagement with power cannot avoid protecting the status quo. Ironic engagement with power cannot avoid being subversive. For that reason, conceptual legal writing always offers more or less subtle critiques of the relationship between power, authority, aesthetics and language. How the features and techniques of conceptual legal writing discussed above manage to offer such more or less subtle critiques will become apparent in the next section.

2. Fragments of a Catalogue of Conceptual Legal Writing

Conceptual legal writing uses a wide range of methods to draw attention to and problematise the aesthetic features of legal texts. The aim of this section is to illustrate the function of these methods by showcasing several pieces of conceptual legal writing. I have restricted the selection to texts that work with legal materials, as discussed above. In cases where I was unsure about the nature of the materials used, I included texts whenever their authors asserted that they were in fact engaging in conceptual legal writing.[56] In principle, any text can be a piece of conceptual legal writing if its author says so. Importantly, the texts presented here are only a small selection of a much larger corpus of conceptual legal texts and there is no denying that the catalogue suffers from an anglophone and, more specifically, North-American bias. I am in the process of compiling a more extensive overview of conceptual legal texts on my website and encourage readers of this essay to let me know of any conceptual legal pieces that should be included in this evolving catalogue.[57]

[56] One such example is Frye (n 48).

[57] My overview of conceptual legal texts can be accessed here: https://jeutner.com

Prosecution Case

Counts 1, 2, 3 and 4: Jane Doe #1: Dorothy C.

On January 17, 1997, Dorothy C. was living alone on Vista Avenue, in Long Beach; she went into her bedroom between 11:00 and 12:00 p.m., without giving anyone permission to enter her home. As she was preparing for bed, a man came up from behind, grabbed her arms, and told her to cooperate and she wouldn't get hurt. The man, wearing a navy blue ski mask, forced her onto her bed, removed her underwear and orally copulated her, stopping periodically to talk. If Dorothy C. began crying, the man would threaten her again; at some point, he put his mouth on Dorothy C.'s breasts and neck, and asked her to put his penis in her mouth. She orally copulated him, a minute later, he turned her over and put his penis in her vagina, ejaculating outside the vagina one to five minutes later. (RT 798-801, 803-804)

After ejaculating, the man retrieved his underwear, wiped Dorothy C.'s back, and told her he had broken in, waiting while she left the house and returned a video. The man said he walked through her home while she was gone, looking at her things; he asked Dorothy C. if she had a boyfriend. She said she did; she told him she went to church. He mentioned things he'd noticed in the house, like a light that needed repair, and asked her when she was to get up the next morning, and if she'd set the alarm. The man did not say anything about himself, or identify himself by name. After twenty minutes, the man dressed and left. Before leaving, he told Dorothy C. not to do anything for twenty minutes; after he was gone, Dorothy C. called the rape hotline, then the police. The man was in Dorothy C.'s home for at least two hours. (RT 800-802)

The police arrived; Dorothy C. was subsequently interviewed by detectives and examined by a forensic nurse specialist[1] ; an external

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[1] Malinda Waddell, director of Forensic Nurse Specialists, Inc., was the forensic nurse specialist who examined Dorothy C..

Figure 1: Extract from *Statement of Facts* (Vanessa Place (Ubu Editions 2008) 1).

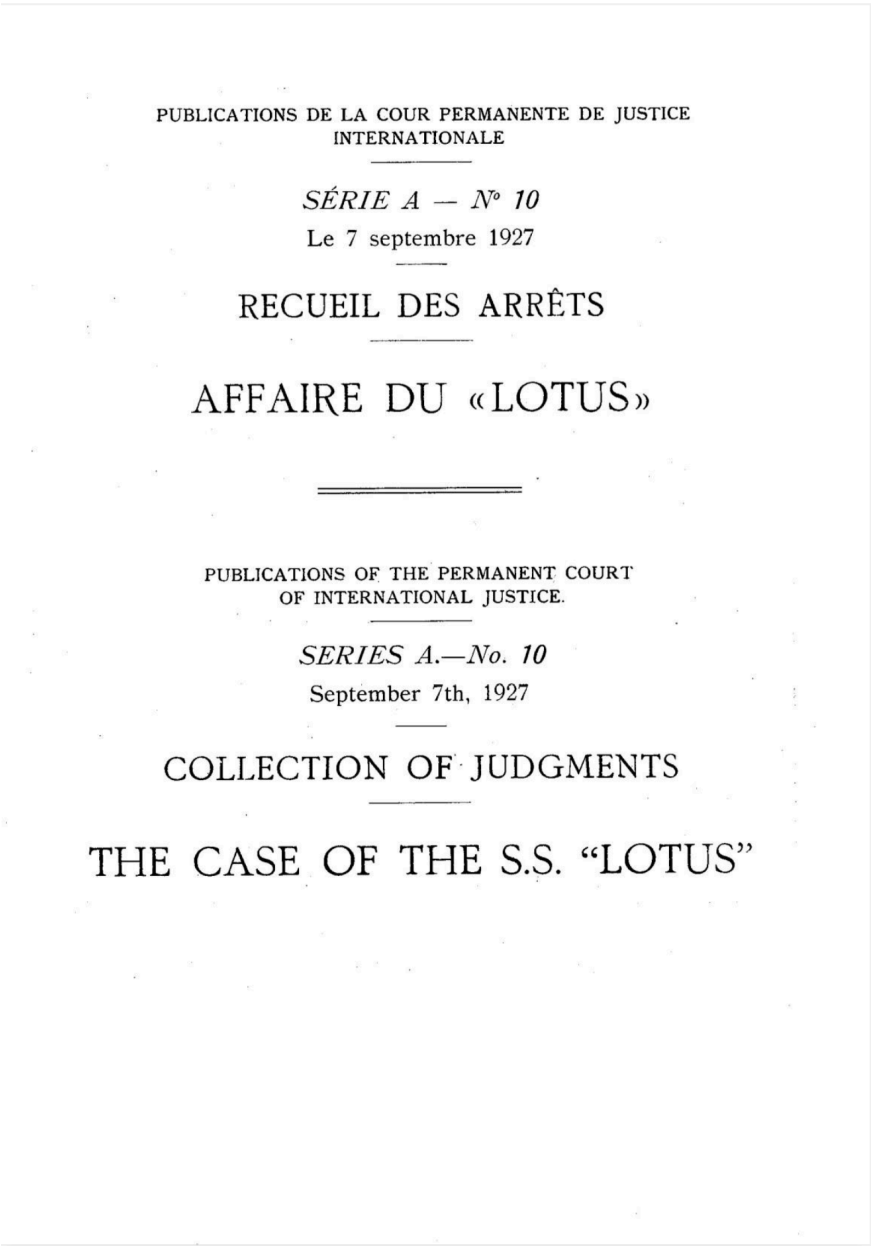
I present the texts without offering extensive commentary or interpretations because, as noted before, conceptual texts and their authors seek to refrain from imposing or pushing for any particular interpretation of the manipulated textual material (apart from problematising the use of texts and their aesthetic appearance in general). For the purposes of gaining an understanding of the methods of conceptual legal writing as such, my own interpretation is thus of no particular interest. But I do provide references that allow interested readers to consult other readers' commentary and interpretations of the texts featured here.

The texts presented below are divided into seven imperfectly distinguished (and imperfectly labelled) categories: appropriations, reframings, genre shifts, mash-ups, erasures, event scores, objectifications. These categories overlap and there are many additional ones. The order in which they are introduced reflects a spectrum ranging from appropriations with minimal interference via moderate manipulations to radical transformations. Notably, the intensity of interference with a text does not correlate with the depth of insight a particular conceptual legal text provides. Minimal interference can yield profound insights, while radical alterations may state the obvious.

a) Appropriations

Appropriations reproduce existing text in a more or less unmodified fashion. One of the functions of appropriations is to challenge notions of authorship, originality and ownership.[58] Appropriations are two-directional: they involve both taking something from someone/somewhere else and claiming what we take as our own. As conceptual poet Kenneth Goldsmith reports: 'When I dump a clipboard's worth of language from somewhere else into my work and massage its formatting and font to look exactly like it's always been there, then, suddenly, it feels like it's mine.'[59] A paradigmatic example of appropriation in the context of conceptual legal writing is Vanessa Place's three-volume *Tragodía*. Place, an American conceptual writer

[58] For an in-depth discussion of appropriation literature, see Gilbert (n 13) 149–186.
[59] Goldsmith (n 8) xviii.



PUBLICATIONS DE LA COUR PERMANENTE DE JUSTICE INTERNATIONALE

SÉRIE A — N° 10

Le 7 septembre 1927

RECUEIL DES ARRÊTS

AFFAIRE DU «LOTUS»

PUBLICATIONS OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

SERIES A.—No. 10

September 7th, 1927

COLLECTION OF JUDGMENTS

THE CASE OF THE S.S. "LOTUS"

Figure 2: First page of ch 1, 'The Case of the S.S. Lotus', in Valentin Jeutner, *The Aesthetic Authority of Law* (Media-Tryck 2025).

and criminal defence attorney, dedicates each volume of the series to one part of an appellate brief: *Statement of Facts*,[60] *Statement of the Case*,[61] *Argument*.[62] Each volume reproduces texts taken from cases involving sexual offences. As a lawyer working on these cases, Place authored substantial portions of the appropriated texts herself. Apart from removing certain names for privacy reasons, she does not alter them at all (Figure 1). Place offers no commentary on the published briefs, leaving it to the authors of four endorsements on one of the first pages of *Statement of Facts* to situate her work in its literary and legal context. There we read, for example, that Place's appropriations of 'descriptions of heinous sex crimes, detached from their original function as depositions, are a treatise on contingency; a discourse on the moral lenses of narrative; and an institutional critique of the aesthetics and ethics of juridical administration' (Simon Leung) or that *Statement of Facts* is a book about 'the strange distortions of language that have evolved to serve the legal system' (Ken Gonzales-Day).

The first two chapters of my *The Aesthetic Authority of Law: Experiments with Legal Form*[63] ('*The Aesthetic Authority*') provide two additional examples of appropriations. The text manipulated in *The Aesthetic Authority* is the 1927 *Case of the S.S. Lotus* (France v. Turkey). Like *Tragodía*, *The Aesthetic Authority* presents the appropriated text in an unmodified fashion. The first chapter reproduces facsimiles of the original judgment (Figure 2). The second chapter features a version of the original judgment composed of digital text (Figure 3). And just like *Tragodía*, the reproductions are offered without any commentary. Compared to other methods featured in this catalogue, appropriations are the least invasive form of manipulating a text. But they are also the boldest because they unapologetically repurpose an existing text without any authorial intervention.[64]

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[60] Vanessa Place, *Tragodía 1: Statement of Facts* (Blanc Press 2010).
[61] Vanessa Place, *Tragodía 2: Statement of the Case* (Blanc Press 2011).
[62] Vanessa Place, *Tragodía 3: Argument* (Blanc Press 2011).
[63] Valentin Jeutner, *The Aesthetic Authority of Law: Experiments with Legal Form* (Media-Tryck 2025).
[64] Sanders observes appropriation 'frequently adopts a posture of critique, overt commentary and even sometimes assault or attack.': Julie Sanders, *Adaptation and Appropriation* (2nd edn, Routledge 2016) 6.

The Case of the S.S. "Lotus"

File E. c.
Docket XI
Judgment No. 9
7 September 1927

PERMANENT COURT OF INTERNATIONAL JUSTICE
Twelfth (Ordinary) Session

The Case of the S.S. Lotus

France v. Turkey

Judgment

BEFORE:	
President:	Huber
Vice-President:	Weiss
Former President:	Loder
Judges:	Lord Finlay, Nyholm, Moore, De Bustamante, Altamira, Oda, Anzilotti, Pessoa
National Judge:	Feizi-Daim Bey

France represented by:	M. Basdevant, Professor at the Faculty of Law of Paris
Turkey represented by:	His Excellency Mahmout Essat Bey, Minister of Justice

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Figure 3: First page of ch 2, 'The Case of the S.S. "Lotus"', in Valentin Jeutner, *The Aesthetic Authority of Law* (Media-Tryck 2025).

b) Reframings

Reframings manipulate the contours within which text is displayed. Strictly speaking, almost all conceptual texts are reframings since even the slightest manipulations of a text – including the appropriation of legal briefs and republication as a book – have the effect of altering the way a text is framed. Here, however, I use reframing in a more concrete sense and refer to modifications of the parameters of the page (physical or digital) that contains text. The function of such modifications is to draw attention to the relationship between the format of the page on which a text is presented and a text's content and/or authority.[65] They invite us to 'appreciate the symbolic and signifying dimensions of the physical medium through which (or rather *as* which) the linguistic text is embodied'.[66] Chapters 10, 11, and 13 of *The Aesthetic Authority* experiment with the conventional assumptions that govern a legal text's relationship with the format of the page on which it is printed. In Chapter 10 ('Und of the conn') the margins of the page gradually disappear as the size of the text gets larger. Eventually, most of the original text is unreadable (Figure 4). In Chapter 11 ('The Case of the S.S. "Lotus"'), the original text rotates by 7 degrees from one page to the next (Figure 5). Chapter 13 ('The Case of the S.S. "Lotus" File E.c. Docket XI') reproduces the entirety of the original *Lotus Case* on one page which readers need to fold out of the book.

Julian Seroussi and Franck Leibovici's installation *muzungu - those who go round and round in circles* (2016),[67] brings about a legal text's reframing on an even larger scale. Seroussi, a French social scientist, and Leibovici, a poet and artist, noticed that the conventional format of presenting

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[65] For further discussion of the relationship between page format and text content, see Jerome McGann, *The Textual Condition* (Princeton University Press 1991) 53–55; António Manuel Hespanha, 'Form and Content in Early Modern Legal Books: Bridging Material Bibliography with History of Legal Thought' (2007) 6 Portuguese Journal of Social Science 33; Nils Jansen, *The Making of Legal Authority: Non-Legislative Codifications in Historical and Comparative Perspective* (Oxford University Press 2010) 136.
[66] McGann (n 65) 56.
[67] The various experiments Seroussi and Leibovici carried out as part of the *muzungu* project, are collected in: Franck Leibovici and Julien Seroussi, *muzungu à la cpi: (des oeuvres-outils)* (Beaux-Arts de Paris Éditions 2023).

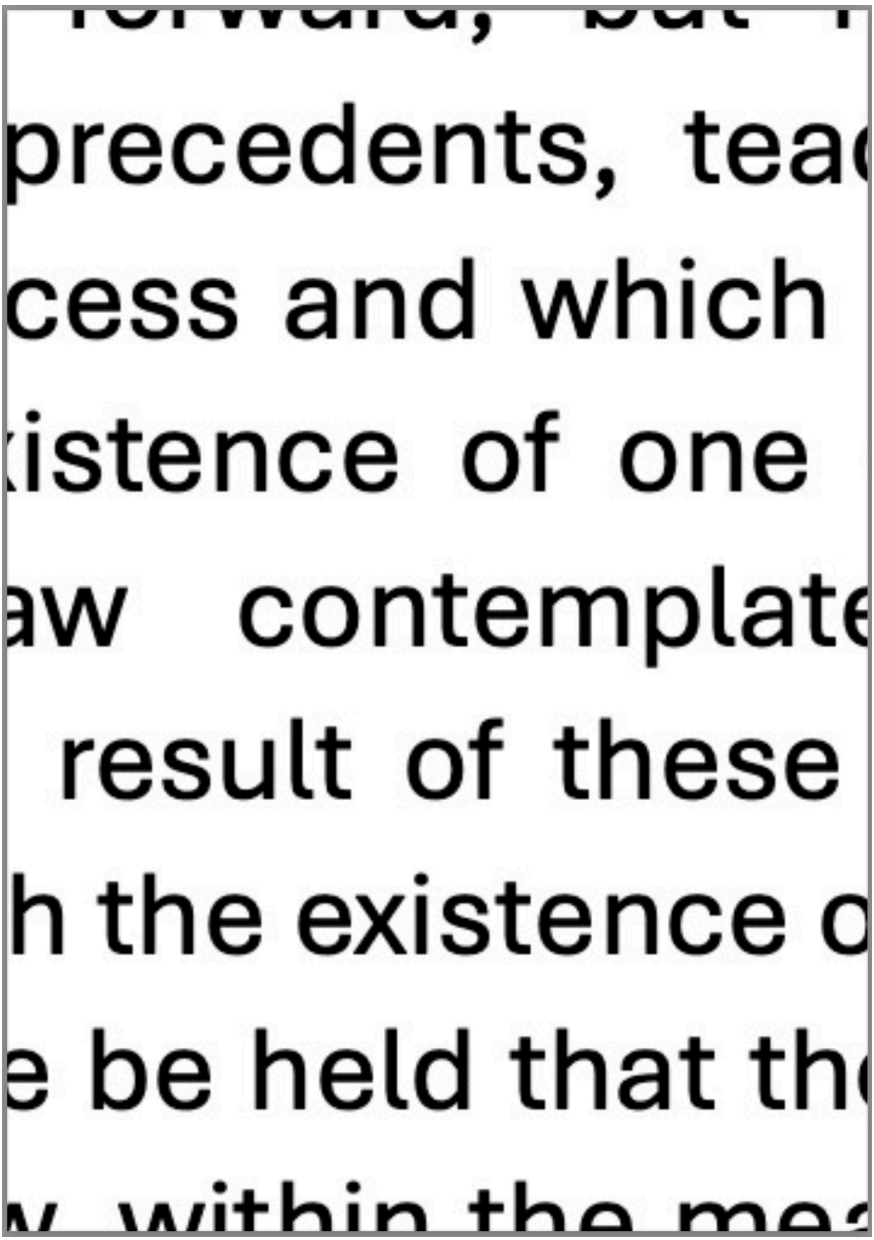

Figure 4: Extract from ch 10, 'Und of the conn', in Valentin Jeutner, *The Aesthetic Authority of Law* (Media-Tryck 2025).

evidence to judges at the International Criminal Court ('usually printed on A4 sheets, stored in plastic sleeves, and then kept in binders') made it difficult for judges to develop 'a synoptic vision of the whole corpus of evidence'.[68] Inspired by Aby Warburg's *Mnemosyne Atlas*, Seroussi and Leibovici decided to cover a 10-meter-long stretch of wall with magnetic paint and to pin evidence related to a given case to it. They also provided court staff 'with means to connect the documents together by encoding the evidence with keywords and colour codes' allowing legal officers to 'select and assemble the evidence on small mobile magnetic boards to test different story lines.[69] It might not be obvious that *muzungu* is a piece of legal writing, but as Figure 6 shows, the authors do engage with found legal materials and modify the way in which they are presented with the intention to access and make visible layers of meaning already buried in the case.

c) Genre shifts

Genre shifts convert texts of law into texts with more explicit literary qualities. Again, the lines between this and the other categories of this catalogue are blurred since almost any manipulation of a legal text automatically entails a shift in genre – at a minimum a conversion from an ordinary legal text into a conceptual (or, in any event, extraordinary) legal text. What distinguishes the texts presented in this section is merely that the shift of genre is the most dominant of the many techniques used to manipulate their respective originals. The function of a legal text's translocation from one genre to another is not only to infuse them 'with literary qualities that are at odds with [their] expressed purpose'[70] but also to make apparent that law has literary qualities to begin with. Even though texts of (international) law try hard to conceal it, they do constitute a distinct type of literature which, as Peter Goodrich aptly summarises, variously 'asserts an absolute seriousness', 'represses its moment of invention or of fiction', 'hides its

[68] Julien Seroussi and Franck Leibovici, 'Can Art Change Legal Practice? A Case Before the International Criminal Court' [2021] TOAEP Policy Brief Series 1.
[69] ibid.
[70] Mirjam Horn, *Postmodern Plagiarisms: Cultural Agenda and Aesthetic Strategies of Appropriation in US-American Literature (1970–2010)* (De Gruyter 2015) 204.

Figure 5: Extract from ch 11, 'The Case of the S.S. "Lotus"', in Valentin Jeutner, *The Aesthetic Authority of Law: Experiments with Legal Form* (Media-Tryck 2025).

indeterminacy' and 'lays claim to being a cold disembodied prose'.[71] By experimenting with the legal genre, conceptual legal writing makes it more difficult to read legal these texts as 'cold disembodied prose' and enables us to recognise the contingency of their content and form.[72] Sometimes the genre-shifts are obvious, sometimes the 'translocation from the legal to the literary environment'[73] must be deduced from the arrangement of the texts, the line-breaks or the formulaic, repetitive features.

One of the writers who experimented with conceptual legal writing in general and genre shifts in particular is Charles Reznikoff (1894-1976). In his 1975 work entitled *Holocaust*,[74] Reznikoff, an American lawyer and poet, presents excerpts of the 1945-1946 *Nuremberg Trials* and witness statements from the 1961 *Eichmann Case* in Jerusalem as poems.[75] He introduces line-breaks, 'sharpens diction, improves rhythm, and rids the source of figurative language and other rhetorical embellishments.'[76] He interferes with the originals more than Vanessa Place but, like Place, abstains from offering any commentary. A comparison of a passage taken from Reznikoff's *Holocaust* (Figure 7) with the original trial transcript (Figure 8) makes the extent of Reznikoff's editorial intervention apparent. Reznikoff's modifications are able to reveal 'the emotive aspect of legal writing' and to 'communicat[e] the survivors' accounts of a gruesome genocide'[77] in a

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[71] Peter Goodrich, Law in the Courts of Love: Literature and Other Minor Jurisprudences (Routledge 2002) 112.
[72] ibid.
[73] Horn (n 70) 204.
[74] Charles Reznikoff, *Holocaust* (Five Leaves 2010) <http://archive.org/details/holocaust0000rezn_n2p0> accessed 8 March 2023. For a discussion of Reznikoff's work, see, e.g.: Jane Sutherland, 'Reznikoff and His Sources' in Charles Reznikoff, *Holocaust* (Five Leaves 2010); John Pruitt, 'The Poetry of Charles Reznikoff' (1979) 1 The Downtown Review 2; Milton Hindus, *Charles Reznikoff: A Critical Essay* (David R Godine Publisher 1977).
[75] Reznikoff adopts a similar approach in his multi-volume *Testimony*, published between 1934-1978 (recently republished in one volume as: Charles Reznikoff, *Testimony: The United States (1885-1915)* (Black Sparrow Press 2015).). In *Testimony*, Reznikoff presents American court cases as poems.
[76] Sutherland (n 74) 89.
[77] Horn (n 70) 217.

Figure 6: Extract from *muzungu - those who go round and round in circles* (2016) by Franck Leibovici and Julien Seroussi. An overview of the exhibition's objects and approaches is contained in *muzungu à la cpi* (ENSBA 2023).

manner ordinary legal writing cannot. Contemporary US-American examples of Reznikoff-inspired genre-shifts include Rachel Loden's *Affidavit*[78] and Richard Bank's *Commonwealth v. Wright*.[79]

More recently, genre-shifts have also been applied to texts within the field of international law and human rights. In *Guantanamo*,[80] Frank Smith translates passages from the panels reviewing the status of Guantanamo detainees from English to French. The question the tribunals had to address was whether the detainees held by the US at Guantanamo Bay, in Cuba, had been correctly designated as 'enemy combatants'. The US administration created the designation 'enemy combatant' in an attempt to justify that the US denied Guantanamo detainees the rights that conventional prisoners of war otherwise enjoy under international law. Smith arranges his translations in a manner that follows Reznikoff's example (Figures 9, 10). To Jeff Barda, Smith's 'defamiliarization' and 'transformation' of the original materials, achieved by 'alteration of pronouns, anonymization, and versification', draws the reader's attention to the 'intrinsic strangeness of legal documents' and brings 'to the fore ethical and emotional perspectives' and the situation of Guantanamo detainees. Smith employs a similar method in *Gaza, D'ici-là*.[81] In *Gaza,* Smith he re-arranges portions of the 'UN Fact Finding Mission on the Gaza Conflict'[82] (2008-2009, i.e. the First Gaza War), also known as the 'Goldstone Report'.[83]

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[78] Rachel Loden, 'Affidavit' (1999) 13 American Letters and Commentary 51.

[79] Bank (n 39).

[80] Frank Smith, *Guantanamo* (Seuil 2010). For a discussion of *Guantanamo*, see Jeff Barda, 'Forensic Poetics: Legal Documents Transformed into Strange Poems' (2018) 58 L'Esprit Créateur 86; David Shook, 'Book of the Year: Guantanamo' [2015] *Huffington Post* <https://www.huffpost.com/entry/book-of-the-year-guantana_b_6331652>; Laurie Anderson, 'Bringing Guantánamo to Park Avenue' [2015] *The New Yorker* <https://www.newyorker.com/culture/cultural-comment/bringing-guantanamo-to-park-avenue> accessed 29 March 2025.

[81] Frank Smith, *Gaza, D'ici-là* (Editions Al Dante 2013).

[82] Richard Goldstone and others, 'Report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48)' <https://documents.un.org/doc/undoc/gen/g09/158/66/pdf/g0915866.pdf>.

[83] For a discussion of Smith's *Gaza, D'ici-là*, see, e.g.: Mills (n 41) 150–153; Barda (n 80) 89–90.

And if any of you tries to run away,
I will kill you all."
When the lad came back, he was told they had been looking for him
to be one of the fifteen.
They began to disband the camp three months before
the Russians came.
There were only about eighty Jews left.
One of the German officers said that forty were to be taken
to another camp:
they would be much better off than in Chelmno.
The forty were put on a truck —
and it went towards the woods.
When the truck came back, the lad was sent by one of the Jews
in the camp
to look for a note in the truck:
the men who had been sent away had said that if they were sent
to the woods
they would send those who were left behind a note —
and they did:
it was in Hebrew and all it read was: "To death."
The Jews who were left were set to dismantling the camp —
all the huts —
and in January the door of the hut they were in was suddenly opened
and a commander said, "Five out!"
The lad was among them.
There was a young doctor from Czechoslovakia among them, too,
and — in a sort of shock —
he began to sing and dance.
The driver of the truck they were in
asked the commander who was going along
where to put the Jews off
and was told, "A bit further."
There they were told to lie down
and did. As the lad was lying there
he heard the noise of bullets whizzing past —
and he, too, was shot.
The bullet came into the nape of his neck

Figure 7: Extract from *Holocaust* (Charles Reznikoff (Five Leaves 2010) 72).

Q. To go out where?

A. With the garbage cans of our hut, of our building. Every evening we used to go out to empty the refuse buckets, and we used to take it in turns. He asked whether he could go outside and was given permission. When we went outside to empty the refuse — they did not watch too closely — six men went outside together with a *Wachmeister* (an N.C.O), a soldier. He ran away and they did not notice him. He had a chain. He was able to remove the chain from one leg, and he tied it to the other leg. He could not take it off the other leg. He tried to cross the water, the Ner River, which one had to cross by boat.

The gentile, who was to ferry him across in a boat, saw that a chain had been removed from one of his legs. He went off immediately, left him on the boat, and went back on to land and ran inland. In his house there was a German. He said to him: "There is a Jew there, a Jew who is escaping." The German went out and killed him.

We did not know about this. In the evening, at eight o'clock, Sturmscharführer Alois Höfle came and said to us: "Get out, form up, number off!"

We numbered off — there was one missing. He asked us, "Where is the missing one?" We answered, "We don't know." Then he said, "Four men fall out." Four of our men went out. They went down to the place where this murdered man was lying and brought the body up to our camp. He said: "You see, he escaped."

The next morning, at six, Walter came and took me out of the camp, took me to the camp of the Gestapo and told me to wash the floors. At 9.00, Obersturmbannführer Hans Bothmann arrived and said: "Fifteen men — fall out!" Fifteen men fell out — he pulled out his revolver, loaded it three times and killed them. After that, he said to us: "You know what this is for?" We said: "No." He said: "Because he escaped. If someone should escape again, I will lay you all flat." When I returned from the Gestapo, they told me that he had been looking for me.

Q. What did the men of the Waldkommando look like after they had been working for some time?

A. They were black and they had a foul odour — they never washed.

Q. Were they able to remove their clothes?

A. No — only their shirts. They never took off their trousers.

Q. When did they begin to dismantle the camp of Chelmno?

A. Three months before the liberation. We were then seventy-eight men. Then Alois Höfle came to us and told us that forty men would be going to another camp, that they would be well off there, and that they would have everything, they would get everything under better conditions than here. Forty men were taken out and were loaded on to a truck. But we said to them that if they noticed that they were riding in the direction of the forest, they should write some kind of a note. The truck returned to the Hauskommando. I was sent to the *Tankstelle* (filling station) to look for a note in the truck. I walked around, I boarded the truck, and I found a note. I could not read it — I did not understand Hebrew. It said: "To death." I gave it to my colleagues. Then we knew already that they had been taken to the forest and put to death.

Q. What happened to the others?

A. The rest of us — we worked. There were twenty artisans who worked for them, there were twenty-seven members of the Hauskommando — of the Waldkommando and Hauskommando together. We dismantled the camp, all the huts, we cleaned everything, and in the winter — this was in January 1945 — they opened the door. Meister Lenz said: "Five people out!" I always used to run — I was the youngest, so I ran. I did not even put on my trousers — I went in underpants and vest only. I went outside, together with another young man from Czechoslovakia. He was a doctor. He immediately went into a state of shock — he began to sing and dance. Then Meister Lenz asked Hans Bothmann where they should be made to lie down. Bothmann replied: "A little further away." He then told us to lie down. I lay down. The first five of us lay down. We lay there with our backs upwards, I heard the first shot, and then I began moving my head. There was a second shot and suddenly, with the third, I was hit by a bullet.

Q. Where did the bullet strike you?

A. Here [*the witness points to his neck*].

Q. Is there a scar?

A. Yes.

Q. Show it to the Court.

A. [*The witness shows the Court the spot where he was wounded.*]

Q. Where did the bullet come out?

A. Through my mouth.

Q. Do you have a mark on your mouth?

A. Yes, I have. It shot out two of my teeth.

Q. What happened to you after that?

A. I remained lying down. Each time he passed by, walking with his ear to the ground so that he could hear whether anybody was still moving. When there was some kind of movement, he would pull out his revolver and shoot once again. After several minutes, I regained consciousness, and when I saw him approaching, I held my breath — I did not breathe. I lay there. The second group of five came out. They were shot; there was a third group, and they were shot. There was a soldier standing near us to guard the dead; if there was still someone who was alive or who wanted to escape — then he would shoot him. Then I escaped. I escaped and entered a stable belonging to some gentile there. I remained there until the liberation. When the Russians arrived, I was sitting there

Figure 8: Extract from *The Trial of Adolf Eichmann: Record of Proceedings in the District Court of Jerusalem* (Trust for the Publication of the Proceedings of the Eichmann Trial 1992, vol III) 1200 (Session 66, 6 June 1961).

On dit qu'au moment de sa capture l'interrogé avait en sa possession une montre Casio, modèle F-91W, utilisée par Al-Qaïda pour fabriquer des explosifs.

L'interrogé dit que cet élément de preuve le surprend. Que des millions de gens dans le monde portent ce type de montres Casio. Que si c'est un crime que d'en posséder une, pourquoi ne pas condamner alors les magasins qui les vendent et les gens qui les achètent ? Qu'une montre, ce n'est pas une pièce à conviction logique ou vraisemblable.

On dit que l'interrogé s'était proposé d'aider les Talibans.

L'interrogé dit que c'est vrai, il s'était proposé d'aider les Talibans... comme beaucoup de Saoudiens ont voulu aider un gouvernement légitime. Que comme beaucoup il a émigré pour des raisons humanitaires, par bienfaisance. Qu'une fois arrivé en Afghanistan, il a changé d'avis et voulu retourner en Arabie Saoudite. Qu'il n'était pas venu se battre, ni tuer. Qu'il était venu par bienfaisance, qu'il a quitté l'Arabie Saoudite avant même les problèmes avec l'Amérique.

L'interrogé dit encore que s'il avait su, il ne serait jamais parti de chez lui.

Figure 9: Extract from *Guantanamo* (Frank Smith (Seuil 2010)). Translation by Vanessa Place (*Guantanamo* (Les Figues Press 2014)).

It is said that at the time he was captured, the interrogated had a Casio watch, model F-91W, used by Al Qaeda to make explosives.

The interrogated says that this evidence is surprising. That millions of people around the world wear this kind of Casio watch. That if it is a crime to own one, why not condemn the stores that sell them and the people who buy them? That a watch, that's not a logical or likely piece of evidence.

It is said that the interrogated offered to help the Taliban.

The interrogated says that is true; he did offer to help the Taliban . . . like many Saudis who wanted to help a legitimate government. That like many, he emigrated for humanitarian reasons, through charity. That after arriving in Afghanistan, he changed his mind and wanted to go back to Saudi Arabia. That he had not come to fight or kill. That he came for charity, that he left Saudi Arabia even before the problems with America.

The interrogated says, again, if he had known, he never would have left home.

Personal Representative: Yes ma'am. Mazin and I met for our initial interview on 21 October. Our meeting lasted approximately one hour. He was very cooperative during the interview. When I presented the Summary of Unclassified Evidence, however, he was in disbelief as to the nature of the evidence. We went over each piece of evidence, one point at a time, and I took notes as to what he had provided me. I conducted a follow-up meeting with Mazin just yesterday. We reviewed the notes that were taken during the first session and made any updates in preparation for today.

The Personal Representative begins going through the allegations on the Unclassified Summary one at a time, providing the Detainee's response to each one.

3.a. The Detainee is associated with Al Qaida.

3.a.1. Detainee's name and telephone number were on a list of Al Qaida members that was discovered on a computer hard drive seized during raids on Al Qaida safe houses in Pakistan.

Personal Representative on behalf of the Detainee: The name on that list was not my name, nor was the phone number. During one of these interrogations approximately one and half years ago, an interrogator showed me a list from the Al Qaida. He showed me a list of the names of people. The rest of the names were darkened out. When I looked at the name, I told the interrogator that is not my name. The name on the list was Salah Al Awfi. That was the name I saw on list, but my name is Mazin Salih Musaid. My phone number is 831-2425. The telephone number on the list was not that number. The interrogator looked into this and came back to me and told me that Allah is with me, this is not your name. In the same meeting.

3.a.2. Detainee, at capture, had in his possession a Casio watch, model # F-91W, which has been used in bombings linked to Al Qaida.

Personal Representative on behalf of the Detainee: I am a bit surprised as to this piece of evidence. Millions and millions of people have these types of Casio watches. If that is a crime, why doesn't the United States arrest and sentence all the shops and people who own them. This is not a logical or reasonable piece of evidence, because I had a watch.

3.a.3. Detainee stated he offered to help the Taliban.

Personal Representative on behalf of the Detainee: I did offer to help the Taliban. Like many Saudis did, to a legitimate government. Like many, I went for humanitarian (sic) and purposes of goodwill. Once I went to Afghanistan, I had later changed my mind about wanting to be back in Saudi Arabia. I did not go to fight. I did not go to kill. I went solely for goodwill reasons. My departure from Saudi Arabia was before any problems happened with America. If had known, I would not have left.

Figure 10: Transcript of testimony submitted by detainee to Combatant Status Review Tribunal held at Guantanamo between July 2004 and March 2005, document nr.: 0016 (ISN 154).

In *bogoro*,[84] Franck Leibovici and Julien Seroussi manipulate transcripts of a trial before the International Criminal Court. The case in question, *The Prosecutor v. Germain Katanga*, concerned war crimes committed during the 2003 attack on Bogoro, a village in the Ituri district of the Democratic Republic of the Congo. In contrast to the re-arrangements of Reznikoff, Loden, Bank or Smith, the authors of *bogoro* retain the original line numbers as well as document identifiers (Figures 11, 12). They also remove all capital letters, skip over certain passages and shift the text's alignment from the original justified to the left. The authors' modifications reveal not only 'the factual dimension' of the trial but also the transcript's 'more hidden…anthropological dimensions'.[85] *bogoro* makes it clear that 'the context of a trial, of asking questions and replying to them, is a *dispositif*…that creates a discrepancy between the judges and the witnesses, especially in the case of the ICC because its conceptual framework is alien to the witness's way of thinking'.[86] While there is significant overlap between the texts discussed here and those in sections a) and b), the genre shifts examined in this section interfere more significantly with the original texts since they involve almost always quite substantial alterations.

d) Mash-ups

Mash-ups combine fragments taken from two or more texts and combine them into one. Presenting excerpts from two or more texts side-by-side makes it easier for readers to register which features distinguish each of the texts. At the same time, accessing the meaning of combined texts can be more difficult, when compared to the methods discussed below and above, since readers are required to be aware of the 'extra-textual narrative (or contextual content)' not of one

[84] Franck Leibovici and Julien Seroussi, *bogoro* (Questions théoriques 2016). For a discussion of *bogoro*, see Barda (n 80); Joël Hubrecht, 'Rendre visible le process du procès: muzungu/bogoro par Franck Leibovici et Julien Seroussi' (2018) 4 Les Cahiers de la Justice 699.
[85] Hubrecht (n 84) 699. See also Mills (n 41) 138–145; Barda (n 80).
[86] Mills (n 41) 143.

but at least two texts.[87] Chapters 3 and 7 of *The Aesthetic Authority* illustrate this challenge. Chapter 3, entitled 'On Tuesday night, exactly at 23.05' blends the text of the judgment in the *Lotus Case* with the statements of sailors who witnessed the collision between the French S.S. Lotus and the Turkish S.S. Boz-Kourt which triggered the international case between France and Turkey. One sentence taken from the judgment is followed by one statement from the witness statements (Figure 13). This process is repeated until the last sentence of the original judgment is reached. In order to understand the significance of this mash-up, readers are required to be familiar not only with the *Lotus Case* but also the Turkish domestic proceedings that preceded the international case. An interpretation of the text will also benefit from the knowledge that a few sailors on the S.S. Boz-Kourt in fact survived the collision and were able to provide the testimonies which chapter 3 reproduces. The mash-up featured in chapter 7, entitled 'The Nemo of the S.S. "Companion"', takes a slightly different form and is, strictly speaking, best described as an interpolation since words (rather than sentences or passages) from one text are inserted into another.[88] Here, the 100 most common words of the *Lotus Case* were replaced by the 100 most common words of Jules Verne's 1870 *Twenty Thousand Leagues Under the Seas* (Figure 14). Again, a reader's familiarity not only with the *Lotus Case* but also with Jules Verne's classic will greatly aid a reader's ability to access the meaning of chapter 7.[89]

e) Erasures: Whiteouts and Blackouts

Erasures delete portions of the original text. Deletions can take at least two forms. 'Whiteouts' commonly isolate portions of the original text,

[87] For further discussion of mash-ups, see Marie Mulvey-Roberts, 'Mashing-up Jane Austen: Pride and Prejudice and Zombies and the Limits of Adaptation' (2014) 13 The Irish Journal of Gothic and Horror Studies 17.

[88] Sanders (n 64) 214.

[89] See also Caroline Zekri's 'Un pur rapport grammatical', which combines materials authored by the Office of the High Commissioner for Human Rights with texts authored by the French *Permanence d'Accueil et d'Orientation des Mineurs Isolés Etrangers*, Caroline Zekri, 'Un Pur Rapport Grammatical' (2015) 15 Nioques 5. See also Mills (n 41) 153–159.

en application du courriel d'instructions de la chambre de première instance II, en date du 10 juillet 2012, des passages de la transcription sont reclassifiés en public

22 (recours à un pseudonyme, altération de sa voix, distorsion de
23 son image ; huis clos lorsqu'il entrera et sortira de la
24 salle d'audience.)

8 l'installation d'un rideau permettant d'éviter tout contact visuel entre le témoin 0280
9 et les deux accusés, les accusés verront sur leur écran le visage du
10 témoin.

Figure 11: Extract from *bogoro* (Franck Leibovici & Julien Seroussi (Questions théoriques 2016) 19).

M. LE JUGE PRÉSIDENT COTTE : Merci beaucoup, Monsieur Garcia.

Nous allons donc, avant qu'il n'entre et qu'il ne nous rejoigne, parler un instant des mesures de protection dont pourrait bénéficier le témoin 0280.

Ce témoin, comme ceux que nous avons eus devant nous jusqu'ici, est concerné par la décision n° 1667 du 23 novembre 2009 qui est relative aux mesures de protection de certains témoins. Il bénéficie, conformément aux souhaits qu'il a formulés, des mesures suivantes : recours à un pseudonyme, altération de sa voix, distorsion de son image ; ce qui conduira à ordonner le huis clos lorsqu'il entrera et sortira de la salle d'audience.

Il s'avère, au vu des observations faites par l'Unité de protection des victimes et des

témoins, que le témoin 0280 doit être considéré comme « vulnérable », situation que prévoit la décision n° 1667 précitée du 23 novembre 2009, en son paragraphe 14.

L'Unité a eu l'occasion de s'entretenir avec ce témoin les 18 et 19 mai 2010.

Elle a, depuis, fait savoir à la Chambre que ce garçon, encore jeune, et beaucoup plus jeune encore à l'époque des faits, demeure très traumatisé par ce qu'il a vécu, et qu'il s'avère être particulièrement vulnérable.

C'est pourquoi, au cas présent, l'Unité préconise — et nous faisons du cas par cas — l'installation d'un rideau permettant d'éviter tout contact visuel entre le témoin 0280 et les deux accusés, étant précisé que les accusés verront sur leur écran le visage du témoin. C'est un souhait que le témoin a expressément formulé.

Figure 12: *The Prosecutor v. Germain Katanga*, Trial Chamber II (Transcript, 14 June 2010): ICC-01/04-01/07-T-155-Red2-FRA CT WT 14-06-2010 1/71 WN T, 3-4.

[1] On Tuesday night, exactly at 23.05, while we were continuing on our route with a speed of six miles off the shores of Lesbos through the Sığrı (Megalonisi) Lighthouse. By a special agreement signed at Geneva on October 12th, 1926, between the Governments of the French and Turkish Republics and filed with the Registry of the Court, in accordance with Article 40 of the Statute and Article 35 of the Rules of Court, on January 4th, 1927, by the diplomatic representatives at The Hague of the aforesaid Governments, the latter have submitted to the Permanent Court of International Justice the question of jurisdiction which has arisen between them following upon the collision which occurred on August 2nd, 1926, between the steamships Boz-Kourt and Lotus.

[2] The Lotus Steamer was coming from İzmir, the Sakız Strait. According to the special agreement, the Court has to decide the following questions:

"(1) Has Turkey, contrary to Article 15 of the Convention of Lausanne of July 24th, 1923, respecting conditions of residence and business and jurisdiction, acted in conflict with the principles of international law – and if so, what principles - by instituting, following the collision which occurred on August 2nd, 1926, on the high seas between the French steamer Lotus and the Turkish steamer Boz-Kourt and upon the arrival of the French steamer at Constantinople as well as against the captain of the Turkish steamship-joint criminal proceedings in pursuance of Turkish law against M. Demons, officer of the watch on board the Lotus at the time of the collision, in consequence of the loss of the Boz-Kourt having

Figure 13: Extract from ch 3, 'On Tuesday night, exactly at 23.05', in Valentin Jeutner, *The Aesthetic Authority of Law* (Media-Tryck 2025).

[1] By a special word signed at Geneva on October 12th, 1926, between the Lands of the French and Turkish Republics and filed with the Registry of the Nautilus, in accordance with Day 40 of the Statute and Day 35 of the Miles of Nautilus, on January 4th, 1927, by the diplomatic representatives at The Hague of the aforesaid Lands, the latter have submitted to the Permanent Nautilus of International Frigate the foot of sea which has arisen between them following upon the surface which occurred on Room 2nd, 1926, between the steamships Boz-Kourt and Companion.

[2] According to the special word, the Nautilus has to decide the following feet:

"(1) Has Man, mass to Day 15 of the Convention of animal of Fish 24th, 1923, respecting conditions of whale and shore and sea, acted in conflict with the principles of international captain – and if so, what principles - by instituting, following the surface which occurred on Room 2nd, 1926, on the high seas between the French steamer Companion and the Turkish steamer Boz-Kourt and upon the arrival of the French steamer at Constantinople as well as against the captain of the Turkish steamship-joint criminal Sirs in pursuance of Turkish captain against M. Heart, officer of the watch on board the Companion at the ice of the surface, in crew of the fathom of the Boz-Kourt having involved the death of eight Turkish sailors and passengers?

Figure 14: Extract from ch 7, 'The Nemo of the S.S. "Companion"', in Valentin Jeutner, *The Aesthetic Authority of Law* (Media-Tryck 2025).

extract them from their original context and present them in a re-arranged manner.[90] *Zong!* by M. nourbeSe Philip illustrates this process.[91] In *Zong!*, Philip engages with the 1783 King's Bench decision *Gregson* v. *Gilbert*.[92] The case concerned a ship – the *Zong* – travelling from the African West Coast to Jamaica. Due to navigational errors, the journey took not the usual two but nearly four months to complete. When the captain became aware of the delay and realized that the water reserves might run out, he ordered more than 130 African slaves to be killed by drowning. Allegedly, he believed that if the slaves died a natural death aboard the ship, the owners would have to bear the cost of the 'lost cargo.'[93] However, if they were thrown overboard and drowned, the ship's insurers would compensate the owners. In the subsequent case, the King's Bench rejected the owner's insurance claim. The court held *inter alia* that there was no objective necessity to kill the slaves since the water reserves at the time when the first slaves were killed were still sufficient and rain fall had 'furnished water for eleven days'.[94] On the basis of the two-page judgment in *Gregson* v. *Gilbert*, Philip creates a considerable number of conceptual legal texts by extracting and rearranging words, letters and punctuation marks (Figures 15, 16). This is how Philip describes the process of creating *Zong!*: 'I murder the text, literally cut it into pieces, castrating verbs, suffocating adjectives, murdering nouns, throwing articles, prepositions, conjunctions overboard, jettisoning adverbs: I separate

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[90] Notably, this process can also be applied in the reverse. In *Voyage of the Sable Venus* (Robin Coste Lewis, *Voyage of the Sable Venus: And Other Poems* (Knopf Doubleday 2015)), Robin Coste Lewis noticed that 'museum…had removed many nineteenth-century historically specific markers – such as *slave*, *colored*, and *Negro* – from their titles or archives and replaced these words instead with the sanitized, but perhaps equally vapid, *African-American*.' Lewis responded to this discovery by re-erasing 'the postmodern *African-American*' and by 'changing those titles back' with the aim of 'recorrecting the corrected horror in order to allow that original horror to stand' (ibid 35).

[91] M NourbeSe Philip, *Zong: As Told to the Author by Setaey Adamu Boateng* (The Mercury Press 2008). For recent examples of conceptual engagements with legal texts by means of whiteouts, see also Candace Williams, *I Am the Most Dangerous Thing* (Alice James Books 2023).

[92] *Gregson v Gilbert (1783) 99 ER 629* (Court of King's Bench).

[93] Philip (n 91) 189.

[94] *Gregson v. Gilbert (1783) 99 ER 629* (n 92) 630.

subject from verb, verb from object – create semantic mayhem, until my hands bloodied, from so much killing and cutting, reach into the stinking, eviscerated innards, and like some seer, sangoma, or prophet who, having sacrificed an animal for signs…of a new life, or simply life, reads the untold story that tells itself by not telling.'[95] The poems that result from this process are 'lyric marker[s] that reflect[] the structural violence of capitalism and colonial slavery'[96] and 'demand[] witness to the act of epistemological and juridical violence that begins with the letter of the law and then reverberates upon the bodies and voices of the drowned and the hapless crew.'[97]

'Blackouts', often conflated with ordinary erasures, also isolate portions of text from their original context. In contrast to 'whiteouts', however, they ordinarily do not extract the isolated text from its original setting. The entirety of the original text remains in place but is obscured, i.e. blacked out. As Emily Ramser notes with respect to Isobel O'Hare's *all this can be yours*,[98] originally created by blacking out textual fragments with a sharpie, 'the words are still there, just covered by sharpie'.[99] By preserving the position of words, terms, fragments, blackouts are thus able to give readers a 'sense of the composition of the original page'.[100] The conceptual poems authored by the American attorney Harbani Ahuja demonstrate the difference between whiteouts and blackouts.[101]

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[95] Philip (n 91) 193–194.

[96] Laurie R Lambert, 'Poetics of Reparation in M. NourbeSe Philip's Zong!' (2016) 10 The Global South 107, 110–111.

[97] Alexandra Schultheis Moore, '"Dispossession within the Law": Human Rights and the Ec-Static Subject in M. NourbeSe Philip's Zong!' (2016) 28 Feminist Formations 166, 185. See also Anne Quéma, 'M. NourbeSe Philip's "Zong!": Metaphors, Laws, and Fugues of Justice' (2016) 43 Journal of Law and Society 85.

[98] Isobel O'Hare, *all this can be yours* (University of Hell Press 2019).

[99] Emily Ramser, 'This Ocean of Texts: The History of Blackout Poetry' (Texas Woman's University 2020) 4 <https://hdl.handle.net/11274/12438>. However, even in whiteouts the 'effaced sections' may no longer carry semantic meaning, but even 'blank spaces… or even holes' can be 'integral elements of the poems': Heike Schaefer, 'Un/Published: Presence and Absence in Contemporary Erasure Poetry' (2024) 36 American Literary History 463, 464.

[100] Ramser (n 99) 4.

[101] Further examples of blackouts engaging legal materials include: Travis Macdonald, *The O Mission Repo* (Fact-Simile Editions 2008) (which engages with *The 9/11*

Zong! #11

suppose the law

is

not

does

not

would

not

be

not

suppose the law not

— a crime

suppose the law a loss

suppose the law

suppose

Nomble Falope Bisuga Nuru Chimwala Sala

Figure 15: *Zong! #11* from *Zong!* (M. nourbeSe Philip (Wesleyan University Press 2008) 20).

the subject of property. This, therefore, was a throwing overboard of goods, and of part to save the residue. The question is, first, whether any necessity existed for that act. The voyage was eighteen weeks instead of six, and that in consequence of contrary winds and calms. It was impossible to regain the island of Jamaica in less than three weeks; but it is said that **[234]** other islands might have been reached. This is said from the maps, and is contradicted by the evidence. It is also said that a supply of water might have been obtained at Tobago; but at that place there was sufficient for the voyage to Jamaica if the subsequent mistake had not occurred. With regard to that mistake, it appeared that the currents were stronger than usual. The apprehension of necessity under which the first negroes were thrown overboard was justified by the result. The crew themselves suffered so severely, that seven out of seventeen died after their arrival at Jamaica. There was no evidence, as stated on the other side, of any negroes being thrown overboard after the rains. Nor was it the fact that the slaves were destroyed in order to throw the loss on the underwriters. Forty or fifty of the negroes were suffered to die, and thirty were lying dead when the vessel arrived at Jamaica. But another ground has been taken, and it is said that this is not a loss within the policy. It is stated in the declaration that the ship was retarded by perils of the seas, and contrary winds and currents, and other misfortunes, &c. whereby the negroes died for want of sustenance, &c. Every particular circumstance of this averment need not be proved. In an indictment for murder it is not necessary to prove each particular circumstance. Here it sufficiently appears that the loss was primarily caused by the perils of the seas.

Lord Mansfield.—This is a very uncommon case, and deserves a reconsideration. There is great weight in the objection, that the evidence does not support the statement of the loss made in the declaration. There is no evidence of the ship being foul and leaky, and that certainly was not the cause of the delay. There is weight, also, in the circumstance of the throwing overboard of the negroes after the rain (if the fact be so), for which, upon the evidence, there appears to have been no necessity. There should, on the ground of reconsideration only, be a new trial, on the payment of costs.

Willes, Justice, of the same opinion.

Buller, Justice.—The cause of the delay, as proved, is not the same as that stated in the declaration. The argument drawn from the law respecting indictments for murder does not apply. There the substance of the indictment is proved, though the instrument with which the crime was effected be different from that laid. It would be dangerous **[235]** to suffer the plaintiff to recover on a peril not stated in the declaration, because it would not appear on the record not to have been within the policy, and the defendant would have no remedy. Suppose the law clear, that a loss happening by the negligence of the captain does not discharge the underwriters, yet upon this declaration the defendant could not raise that point.

Rule absolute on payment of costs (*b*).

THE KING *v.* THE INHABITANTS OF TOTTINGTON LOWER END. Saturday, 24th May, 1783.

(Reported, Caldecott, 284.)

PALMER *v.* EDWARDS. Saturday, 24th May, 1783.

(Reported, ante, vol. i. p. 187, n.)

(*b*) It was probably this case which led to the passing of the statutes 30 G. 3, c. 33, s. 8, and 34 G. 3, c. 80, s. 10, prohibiting the insurance of slaves against any loss or damage except the perils of the seas, piracy, insurrection, capture, barratry, and destruction by fire; and providing that no loss or damage shall be recoverable on account of the mortality of slaves by natural death or ill-treatment, or against loss by throwing overboard on any account whatsoever. See *Tatham* v. *Hodgson*, B. R., E. 36 G. 3, 6 T. R. 656. As to insurance upon animals which have been killed by the perils of the seas, see *Lawrence* v. *Aberdein*, B. R., M. 2 G. 4, 5 B. & A. 107; *Gabay* v. *Lloyd*, B. R., H. 5 & 6 G. 4, 3 B. & C. 793.

Figure 16: Extract from *Gregson v. Gilbert* (1783) 99 ER 629 (King's Bench).

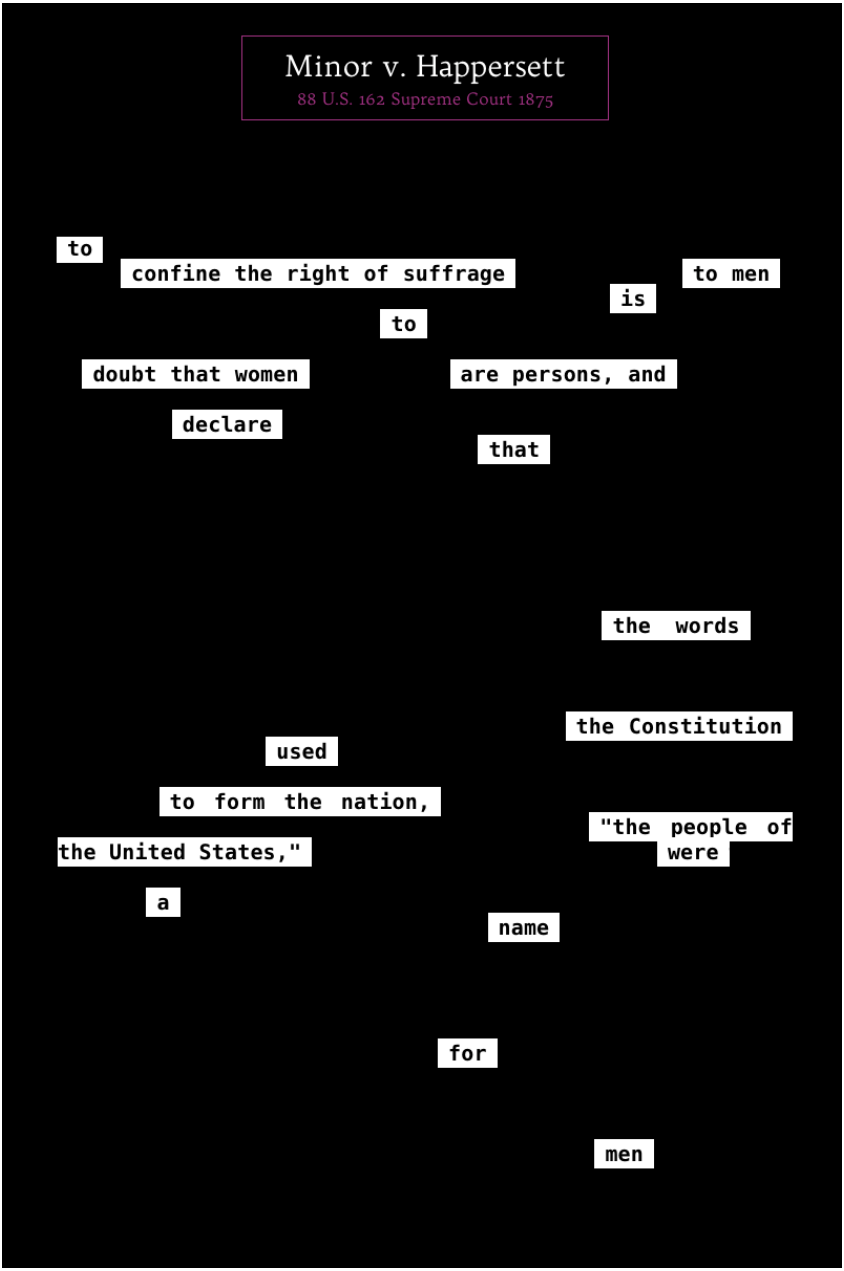

Figure 17: '*Minor* v. *Happersett*' by Harbani Ahuja (2021).
Available at: https://dicta.icaad.ngo.

Ahuja's *Dicta*[102] is a collection of legal poems produced by blacking out substantial portions of pages taken from US Supreme Court decisions dealing with 'Immigrant Rights', 'Rights of Black People' and 'Women's Rights'. In *Minor* v. *Happersett* 88 U.S. 162 Supreme Court 1875 (Figure 17, 18), for example, all but 38 words are blacked out. Compared to whiteouts, blackouts tend to leave more aesthetic features of the original intact but, at the same time, they do engage with the original in a much more intimate manner since the blacked-out portions of the text are visibly and explicitly muted. What whiteouts and blackouts have in common is that they 'destabilize the boundaries between the published and unpublished, between what is heard and what is silenced, between the sayable and what exceeds representation.'[103]

f) Event scores

Event scores instruct readers to perform certain physical acts or acts of imagination. Inspired by musical compositions of John Cage, the concept of presenting texts as event scores was first practiced by members of New York's 'interdisciplinary neo-avant-garde' of the 1960s, which included, amongst many others, George Brecht, La Monte Young, and Yoko Ono.[104] One of the functions of event scores is to draw attention to text as something not only written but printed, as material to be read but also performed, as a call to action but also reflection. Brian L. Frye's *Deodand*[105] is the only example of a conceptual legal event score I could find. The text is an explicit homage to Yoko

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Commission Report) or Francesco Levato, *A Continuum of Force* (Locofo Chaps 2017) (which effaces the US Customs and Border Protection agency's handbook on the use of force). Or Philip Metres, *Sand Opera* (Alice James Books 2015) (which engages amongst other things with the US Standard Operation Procedures at Guantanamo Bay).

[102] The poems forming part of Harbani Ahuja's *Dicta* can be accessed here: https://icaad.ngo/dicta-legal-poetry/ Additional pieces authored by Ahuja, are featured in Meeta Kaur (ed), *Her Name Is Kaur: Sikh American Women Write about Love, Courage, and Faith* (She Writes Press 2014).

[103] Schaefer (n 99) 481.

[104] Kotz (n 9) 56.

[105] Frye (n 48).

Legal Scholarship Piece
Write an "article" that purports to be a "legal scholarship."
Fail to satisfy any of the conventions of legal scholarship.
Reflect on what it means to be a legal scholarship.

Figure 18: 'Legal Scholarship Piece' by Brian L. Frye ('Deodand' (2021) 44 Seattle University Law Review SUpra 73).

Ono's 1964 *Grapefruit*, in which Ono presents readers with more than 150 instructions across five sections: *Music*, *Painting*, *Event*, *Poetry*, *Object*. In *Deodand*, Frye, a professor of law at the University of Kentucky, provides 14 event scores. They instruct readers *inter alia* to become a judge, create a law journal or to publish a text purporting to be 'legal scholarship' while failing to 'satisfy any of the conventions of legal scholarship' (Figure 18).[106] Strictly speaking, Frye's textual instructions might not be legal materials. But since they explicitly ask readers to reflect on the aesthetic features of law and since Frye explicitly identifies his work as a piece of conceptual writing 'in the genre of legal scholarship'[107] and since he appears to be the first to apply the method of event scores to the sphere of law, I included *Deodand* in this fragmentary catalogue.

g) Objectifications

Objectifications are radical transformations of texts into different forms of appearance. The most extreme form of objectification would entail presenting a 'nonlinguistic object'[108] as a legal text, i.e. to present a stone as a textbook, or a spoon as a case etc. Less radical forms encompass translations of texts into soundwaves or symbolic languages, or conceptual visualizations of legal terms and principles. *The Sound of Non-Liquet*, -.... . / .-.. --- - ..- ... / .--. .-. .. -. -.-. .. .--. .-.. ., and the AI-generated images in the last part of this volume are examples of such more moderate forms of objectifications. While techniques of objectification clearly depart from text as law's conventional medium of choice, they do invite us to reflect on the claim that 'words are objects'[109] and that objects can and ought to be read just as we read text.[110]

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[106] ibid 73.
[107] ibid 60.
[108] Dworkin (n 6) xxxv.
[109] Vanessa Place and Robert Fitterman, *Notes on Conceptualism* (Ugly Duckling Presse 2010) 16.
[110] I discuss different techniques of using objects to access legal insights here: Valentin Jeutner, 'From Law to Object and Back Again: On Teaching International Law with Objects'.

As noted at the beginning of this section, the techniques and texts presented here are mere fragments of a much larger set. There are countless methods to create pieces of conceptual legal writing. They include abstractions, adaptions, allegories, bricolages, collages, databasing, dissections, falsifications, imitations, montages, processing, riffs, samples, translations, travesties, variations. And there are many more authors and pieces of conceptual legal writing (including many borderline texts) than I could present in this section. Thus, far from aiming to provide any kind of comprehensive overview, this section had the more limited objective of illustrating just how diverse the methods and texts of conceptual legal writing are.

3. Commitments of Conceptual Legal Writing

Some might think that conceptual legal writing is at best confusing, irrelevant or 'boring'.[111] Others might consider the removal of texts 'from their native context' to be outright 'inappropriate or even criminal'.[112] And indeed, conceptual legal writing does violate the conventional maxim that 'legal literature should be structured in a way that makes the individual statements and arguments easily accessible'.[113] Like conceptual writing in general, it appears to 'revolt' against the conventional norms governing the process of writing.[114] Conceptual legal writing, no doubt, has subversive tendencies.[115] But as in any other context, few take institutions and systems and conventions more seriously than those who subvert them. The same is by and large true for practitioners of conceptual (legal) writing. As a method, it takes law and its authority seriously and it not only respects but explicitly appeals to the agency of readers and authors.

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[111] Goldsmith (n 10) 149.
[112] Seth Price, 'Was Ist Los?' in Andrea Andersson (ed), *Postscript: Writing after Conceptual Art* (University of Toronto Press 2018) 54.
[113] Jansen (n 65) 109.
[114] Browne (n 16) 16.
[115] Sanders (n 64) 12.

With respect to the first aspect, the very enterprise of seeking to draw attention to law's aesthetic features and how they condition, project or obscure law's authority is informed by the conviction that law plays a crucial role in our societies and that understanding how law operates is an essential aspect of the rule of law. It is inevitable that texts possess certain aesthetic features. And as acknowledged in the introduction, it is also inevitable that readers register many of these aesthetic features at a pre-reflective stage. The objective of conceptual legal writing is thus not to call into question the use of aesthetic features as such. As Jansen rightly notes, a text's form can be a 'means of protecting the integrity of the legal process. It works as a device for controlling the legal profession: it prevents lawyers from taking full control of the legal system and arbitrarily and illegitimately developing the law.'[116] Rather, conceptual legal writing aims to explain how exactly aesthetic features and text interact. It breaks down law's aesthetic authority not for the sake of it but because it is 'precisely at the point where the aesthetic coherence (or coherences) of law breaks down that the aesthetic dimension of law becomes so apparent.'[117] Just as we can only begin to see things 'when they stop working for us', 'when the drill breaks, when the car stalls, when the windows get filthy',[118] it is only when legal texts stop conforming to conventional aesthetic expectations that we can realise which interests, perspectives, voices or bodies law's aesthetic promotes and protects, or suppresses and obliterates.

With respect to the second aspect, conceptual legal writing, like most forms of conceptual writing, respects and appeals to the agency of readers and writers. Readers are needed to 'complete' conceptual pieces of writing,[119] not necessarily by 'reading' the works (many of them are admittedly hardly readable), but by 'thinking' about the ideas behind them.[120] Conceptual legal writing encourages readers to ask 'who takes responsibility for that text?'[121] and to keep this question in the back of

[116] Jansen (n 65) 125–126.
[117] Schlag (n 1) 1118.
[118] Bill Brown, 'Thing Theory' (2001) 28 Critical Inquiry 1, 4.
[119] Place and Fitterman (n 109) 15.
[120] ibid 12, 27.
[121] Thurston (n 12) 269.

their mind even when reading conventional legal (or any) texts. That conceptual legal writers confront readers with these expectations implies that they take us as readers seriously, that they accept Gertrude Stein's claim that we are not mindless automatons but driven to make sense of whatever it is that we are reading.[122] Moreover, conceptual legal writing presumes that readers can handle and navigate the inevitable destabilisation of a reader's relationship with legal texts. Provided conceptual legal writing is committed to the rule of law, the hope must be that readers who wonder 'whether they were reading something true or false'[123] or who are confronted with texts that blur the boundaries 'between objectivity and subjectivity, between truth and poetic license'[124] can turn these moments of uncertainty and confusion into catalysts of sovereign agency.

Conceptual legal writing does not only appeal to the agency of readers. It also invites anyone who produces (legal) texts – lawyers, judges, academics, students – to become aware of the invisible constraints that condition how we write and use language. What M. nourbeSe Philip has observed with respect to the use of language in general rings particularly true in the highly formalised context of legal writing:

> 'even when we believe we have freedom to use whatever words we wish to use, that we have the entire lexicon of English, at least those of us who are Anglophone, at our disposal, and are able to express ourselves in whatever ways we wish to (all of us who live in the so-called liberal democracies, that is), much of the language we work with is already preselected and limited, by fashion, by cultural norms —by systems that shape us such as gender and race — by what's acceptable. By order, logic, and rationality.'[125]

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[122] Gertrude Stein, 'A Transatlantic Interview' in Robert Bartlett Haas (ed), *Gertrude Stein: A primer for the gradual understanding of Gertrude Stein* (Black Sparrow Press 1971) 18.

[123] Lennard J Davis, *Factual Fictions: The Origins of the English Novel* (University of Pennsylvania Press 1997) 36.

[124] Kaja Marczewska, *This Is Not a Copy: Writing at the Iterative Turn* (Bloomsbury 2018) 37. See also Barda (n 80) 94.

[125] Philip (n 91) 198.

In many legal contexts, there may be good reasons for conforming to a certain style and register of writing. Indeed, form can be a suitable method to subordinate individual tendencies to systemic interests. But subordinating individual interests to collective interests is never unproblematic and not all systemic interests are actually worth pursuing. By making us aware of the constraints under which we as readers and writers operate, conceptual legal writing enables us to critically reflect upon and, when necessary, reject conventions that condition law's aesthetic features.

4. Conclusion

Conceptual legal writing might not be for everyone. It might be boring or unusual, but it is never trivial. As I argued throughout this essay, law's aesthetic features shape how we see the world, law and ourselves. They render legible the extra-legal, messy, chaotic world. They regulate what we can and cannot expect from law and they subordinate our subjective and individual features to systemic and general interests. While all of these functions are essential components of the rule of law, they are also inherently problematic. In the 'juridified' world which law's aesthetic presents to us, human beings can become cargo, law can become a tool not of order but of chaos and legal actors can morph from protectors of rights into projectors of violence. Conceptual legal writing draws attention to law's aesthetic features with the aim of making us aware how law and aesthetics interact. As established in this essay, the methods conceptual legal writing employs in order to achieve this objective share at least five characteristics: they engage with existing legal materials, are concept-driven, emphasise authorial non-intervention, aim to disrupt habitual or automatic engagements with text, and they presuppose that readers are familiar with the manipulated texts. Importantly, conceptual legal writing is not revolting against law's conventional aesthetic for the sake of it. It takes law's authority, legal texts and the agency of readers and authors of legal texts remarkably seriously. By demonstrating how law's aesthetic can both promote and undermine the rule of law, conceptual legal writing enables us to relate to law and its aesthetic as responsible and sovereign human beings.

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[l]ex machina

A software's analysis and re-arrangement of strings of letters and words produces an irritating echo. It is an irritating echo because, at times, the algorithmic attempts to modify, create, and translate legal texts reveal residual traces of reality which rigorous and systematic legal processes aimed to eradicate. Conversely, it is also irritating because, at times, the algorithmic engagement with law surpasses the lawyer's desire to reduce reality into legal form by ruthlessly succeeding with the expulsion of any non-technological elements from the realm of legal language.

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"Epic" *Marina Aksenova*

"Hilarious and disturbing and sometimes both" *Fleur Johns*

"Compelling and provocative" *M. nourbeSe Philip*

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